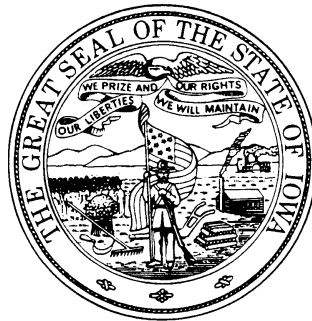


IOWA COURT RULES

FIFTH EDITION

September 2022 Supplement



Published under the authority of Iowa Code section 2B.5B.

PREFACE

The Fifth Edition of the Iowa Court Rules was published in July 2009 pursuant to Iowa Code section 2B.5(2). Subsequent updates to the Iowa Court Rules, as ordered by the Supreme Court, are published in electronic format only and include chapters that have been amended or adopted.

The Iowa Court Rules and related documents are available at www.legis.iowa.gov/law/courtRules.

To receive e-mail notification of the publication of a Supplement to the Iowa Court Rules, subscribe at www.legis.iowa.gov/subscribe/subscriptions.

Inquiries. Inquiries regarding access to the Iowa Court Rules should be directed to the Legislative Services Agency's Computer Services Division Help Desk at 515.281.6506.

Citation.	The rules shall be cited as follows:
Chapter 1	Iowa R. Civ. P.
Chapter 2	Iowa R. Crim. P.
Chapter 5	Iowa R. Evid.
Chapter 6	Iowa R. App. P.
Chapter 16	Iowa R. Elec. P.
Chapter 32	Iowa R. of Prof'l Conduct
Chapter 51	Iowa Code of Judicial Conduct
	All other rules shall be cited as "Iowa Ct. R."

Supplements. Supplements to the Fifth Edition of the Iowa Court Rules have been issued as follows:

2009 — [August](#), [September](#), [October](#), [November](#), [December](#)
2010 — [January](#), [February](#), [March](#), [May](#), [June](#), [August](#), [September](#), [December](#)
2011 — [February](#)
2012 — [January](#), [May](#), [June](#), [August](#), [September](#), [December](#)
2013 — [March](#), [May](#), [June](#), [August](#), [September](#), [November](#), [December](#)
2014 — [January](#), [March](#), [April](#), [June](#), [December](#)
2015 — [January](#), [April](#), [May](#), [October](#), [December](#)
2016 — [February](#), [July](#), [August](#), [December](#)
2017 — [January](#), [April](#), [August](#), [September](#), [November](#), [December](#)
2018 — [June](#), [August](#), [December](#)
2019 — [February](#), [July](#), [August](#), [December](#)
2020 — [February](#), [April](#), [June](#), [September](#), [October](#), [December](#)
2021 — [April](#), [May](#), [June](#), [July](#), [August](#), [September](#), [October](#), [December](#)
2022 — [January](#), [February](#), [March](#), [June](#)

September 2022 Supplement

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Chapter 31 Amended
Chapter 34 Amended
Chapter 35 Amended

Chapter 36 Amended
Chapter 41 Amended
Chapter 45 Amended
Chapter 46 Amended

INSTRUCTIONS FOR UPDATING THE IOWA COURT RULES

Replace Chapter 16

Replace Chapter 31

Replace Chapters 34 to 36

Replace Chapter 41

Replace Chapters 45 and 46

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CHAPTER 16

IOWA RULES OF ELECTRONIC PROCEDURE

DIVISION I

SCOPE AND AUTHORITY

Rule 16.101 Scope and applicability.

16.101(1) The rules in this chapter govern the filing of all documents in the Iowa Judicial Branch electronic document management system (EDMS) in cases commenced on or after the initiation of electronic filing in an Iowa county or in the Iowa appellate courts. The rules of this chapter also govern the electronic filing of documents in cases converted to electronic cases.

16.101(2) Chapter 16 comments serve solely as explanation of the Iowa Rules of Electronic Procedure and are not a part of the rules.

16.101(3) The Iowa Rules of Electronic Procedure will be cited as “Iowa R. Elec. P.” [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

COMMENT:

Rule 16.101. EDMS is designed to provide more efficient and less costly access to the Iowa court system for parties, attorneys, and other users by enabling access to their cases 24 hours per day, 7 days per week from anywhere with Internet access. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.102 Cases pending prior to electronic filing.

16.102(1) A case pending prior to the initiation of electronic filing in a particular county is not subject to the requirements of this chapter. A party, however, may apply to convert a case not subject to the requirements of this chapter to an electronic case.

16.102(2) If the court approves an application to convert a case to electronic filing, the rules of this chapter govern the electronically converted portion of the case. The court will determine how the case will be converted to an electronic file and which party, if any, should bear the costs of such conversion.

16.102(3) For efficiency in court operations, the chief judge of the judicial district may order the electronic conversion of any case not already subject to the requirements of this chapter.

16.102(4) Any electronically converted document is subject to the redaction requirements related to protected information in division VI of this chapter. Documents filed prior to the conversion order may be scanned for the convenience of the court, but the electronic documents will be set at a security level available only to the court. The original paper portion of any converted file is not subject to the Iowa Rules of Electronic Procedure unless the court orders otherwise.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.103 Relationship to other court rules. To the extent these rules are inconsistent with any other Iowa court rule, the rules in this chapter govern electronically filed cases and cases converted to electronic filing.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.104 Authority. These rules are adopted under the authority granted to the Iowa Supreme Court by article V, section 4, of the Iowa Constitution and by Iowa Code section 602.1614 (judicial branch acceptance, distribution, and retention of electronic records).

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rules 16.105 to 16.200 Reserved.

DIVISION II

DEFINITIONS

Rule 16.201 Definitions. The following terms, as used in this chapter, are defined as follows:

16.201(1) Confidential. “Confidential” means court files, documents, or information excluded from public access by federal or state law or administrative rule, court rule, court order, or case law.

16.201(2) *Court-generated document.* “Court-generated document” means a document that is created and signed by court personnel, including judges, magistrates, court administrators, clerks of court and any designees of each.

16.201(3) *Court record.* “Court record” means for all cases the electronic files maintained in EDMS, filings the clerk of court maintains in paper form when permitted by these rules, and exhibits and other materials filed with or delivered to the court that the clerk maintains.

16.201(4) *Document.* “Document” means an instrument on which is recorded, by means of letters, figures, or marks, the original, official, or legal form of something, which may be used in evidence. A document is any physical embodiment of information or ideas, which may be in electronic or paper form.

16.201(5) *EDMS.* “EDMS” means the electronic document management system, the Iowa Judicial Branch electronic filing and case management system.

16.201(6) *Electronic.* “Electronic” means technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

16.201(7) *Electronic cover sheet.* “Electronic cover sheet” means the information that registered filers type into EDMS when they create a new case or electronically file or present documents to the court. The cover sheet enables EDMS to correctly route the filing.

16.201(8) *Electronic filing.* “Electronic filing” means the EDMS receipt of a document submitted to EDMS for filing. The posting of “received,” “awaiting approval,” or “filed” status in the filer’s EDMS account serves as confirmation that EDMS has received the filer’s submission.

16.201(9) *Electronic presentation.* “Electronic presentation” means the process by which a party or filer may electronically deliver a document to the court for review or other court action. A document is not filed when electronically presented to the court through EDMS.

COMMENT:

“**Electronic presentation.**” Formerly, parties and attorneys could physically hand a judge an unfiled document or draft order for consideration. With the implementation of EDMS, this process must now be done electronically. Electronic presentation is initiated through the selection of the “Document Type” on the electronic cover sheet. Most document types that are electronically presented are “Proposed Document” types (proposed orders, proposed dissolution decrees, or documents proposed for restricted access, for example). Other document types, however, such as trial informations and accompanying minutes of testimony, are also presented electronically to the court. A document that is electronically presented is available for the court to view, and is not a part of the court file unless the court or a party or attorney later files the document. The electronic presentation of a document has no impact on whether a party or attorney should or must be present when the court reviews the document. In addition, electronic presentation does not modify the ethical obligations or requirements of the parties, attorneys, and court regarding ex parte communications. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.201(10) *Electronic record.* “Electronic record” means a record, file, or document created, generated, sent, communicated, received, or stored by electronic means.

16.201(11) *Electronic service.* “Electronic service” means the EDMS electronic posting of a notice of electronic filing or presentation into the registered parties’ or attorneys’ EDMS accounts, along with a link to the document presented or filed. Although a courtesy copy of the notice of electronic filing or service may be sent by email, service is considered complete when the notice is electronically posted to the user’s EDMS account. The registered party may view and download the presented or filed document. *See* rule 16.315(1)(f) (electronic service of documents).

16.201(12) *File stamp.* “File stamp” means in the district court the date, time, and county information that is affixed at the top of the first page of a document when it is filed in EDMS. “File stamp” means in the appellate courts the date of filing with the clerk of the supreme court affixed along the left margin of a document’s first page when it is filed in EDMS.

16.201(13) *Filing agent.* “Filing agent” means an officer, employee, or nonattorney representative of an entity—such as a partnership, association, corporation, or tribe—or representative of an individual property owner in a landlord-tenant matter, who is authorized by Iowa law to appear on behalf of that entity or individual property owner because of the nature of the proceeding. *See* rule 16.201(34) (definition of “self-represented”).

16.201(14) *Governmental agency.* “Governmental agency” means an executive, legislative, or judicial agency, department, board, commission, authority, institution, or instrumentality of the federal government, the state, or a county, municipality, or other political subdivision of the state, including a court-approved nonprofit designee of such governmental agency.

16.201(15) *Hyperlink.* “Hyperlink” means an electronic connection or reference to another place in the document or other cited authority which, when selected, shows the portion of the document or the cited authority to which the hyperlink refers.

16.201(16) *In camera*. “In camera” means in the judge’s chambers, or in private, out of public view.

16.201(17) *Information*. “Information” means documents, text, images, sounds, codes, computer programs, software, databases, or the like.

16.201(18) *Judicial branch*. “Judicial branch” means the Iowa Judicial Branch of government and all courts, judicial officers, clerks of court, and offices of the courts of the State of Iowa.

16.201(19) *Jurisdictional deadline*. “Jurisdictional deadline” means a deadline set by rule or statute that the court may not extend or change.

16.201(20) *Nonelectronic filing*. “Nonelectronic filing” means a process by which a paper document or other nonelectronic item is filed with the court and retained in nonelectronic form. *See* rule 16.313 (nonelectronic filings). “Nonelectronic filing” means, for parties with an exception from the electronic filing registration requirement, submitting a paper document to the clerk for scanning and electronic filing. *See* rule 16.303 (submission of paper documents).

16.201(21) *Nonregistered filer*. “Nonregistered filer” means a party who has received an exception from the Iowa Judicial Branch electronic registration requirement and is authorized to submit nonelectronic documents in a case. *See* rule 16.302(2) (exceptions from electronic filing requirements).

16.201(22) *Notice of case association*. “Notice of case association” means an electronic submission by a party or filing agent to obtain access to the case and receive notifications of filings after the party or filing agent has registered in EDMS.

16.201(23) *Notice of electronic filing or presentation*. “Notice of electronic filing or presentation” means the notice EDMS generates when a document is electronically filed or electronically presented to the court. The notice of electronic filing or presentation indicates the official file-stamp date and time of the electronic filing of the document in local time for the State of Iowa. *See* rule 16.307 (electronic file stamp). When a document or proposed document is electronically filed or presented to the court, EDMS will post a notice of electronic filing or presentation to the EDMS account of all parties who are registered filers in the case. Such parties may view and download the document or proposed document by logging in to their accounts.

COMMENT:

“**Notice of electronic filing or presentation.**” EDMS sends a courtesy notice of electronic filing or presentation by email to the filer and to any other registered party who has entered an appearance or answer in the case, filed a notice of case association, or filed an appearance as a court-approved intervenor. However, parties are cautioned that such emails are provided only as a *courtesy* service and should not be relied upon as a party’s source for obtaining notifications. A courtesy email message is not an official notification of the filing of a document and is not official service of any document listed in the message. Due to the unique features and settings of individual email accounts, EDMS cannot ensure that emailed notices of electronic filing or presentation will actually be received by a party or that such notices will be received in a timely manner. Parties receive *official* notifications through their EDMS accounts and they should rely solely upon those accounts to obtain notices of electronic filing or presentation. EDMS sends additional courtesy email messages to the filer when the status of a filing is updated to “received,” “approved,” “filed” (for presented documents only), or “returned not filed.” The official update to the status of a filing is posted to the filer’s EDMS account under My Filings. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.201(24) *Party*. “Party” means a person or entity by or against whom a case or part of a case is brought, including a plaintiff, petitioner, defendant, third-party defendant, or respondent. “Party” also includes a court-approved intervenor, or any other person or entity defined as a party to a case by a statute, rule, or court order. When a party appears, the clerk of court will index that party to the case, providing case access and receipt of notifications. When one or more attorneys have entered an appearance on a party’s behalf, references in these rules to service upon or filings by a party mean service upon or filings by that attorney or those attorneys. When a rule or statute requires a criminal defendant to be served with a document, service on the defendant must be made personally or electronically.

16.201(25) *Proposed document*. “Proposed document” means a document electronically presented to the court for review or other court action. A proposed document, other than a proposed exhibit, is not filed until the court takes action on it. *See* rule 16.412(2) (electronic submission of proposed exhibits).

16.201(26) *Protected information*. “Protected information” means the types of information referenced in rule 16.602.

16.201(27) *Public*. “Public” refers to court files, documents, or information that is not confidential or protected.

16.201(28) *Public access terminal*. “Public access terminal” means a computer located in a courthouse through which the public may view, print, and electronically file documents.

16.201(29) Redact. “Redact” means to delete, white out, black out, or otherwise hide text or images on a copy of an original document. The original document becomes confidential and the redacted version becomes the public version of the document.

16.201(30) Registered filer. “Registered filer” means a person or entity that has registered with EDMS and uses a login and password to file documents electronically in the Iowa court system. In cases in which the registered filer is a party and has entered an appearance or filed an answer, filed a notice of case association, or filed an appearance as a court-approved intervenor, the registered filer will electronically serve and receive notice of most filed or presented documents. A registered filer, other than a registered specialized nonparty filer, can also electronically view and download files. *See* rules 16.304 (registration, logins, and passwords) and 16.315 (service of documents subsequent to original notice). *But see* rule 16.314(3) (service of original notices).

16.201(31) Remote access. “Remote access” means the ability to electronically search, view, copy, or download electronic court documents without visiting a courthouse. Remote access to documents is available to registered filers and specialized nonparty users. The status of the registered filer or specialized nonparty user determines the filer’s or user’s level of remote access to restricted access documents. *See* rule 16.502 (access to electronic court files).

16.201(32) Restricted access. “Restricted access” means a case, docket entry, or document, including physical or digital exhibits, which the court has placed at a nonpublic security level or that EDMS has automatically placed at a nonpublic security level based on federal or state law or by court rule or administrative rule. *See* rule 16.405 (restricting access to filings).

16.201(33) Scanned document. “Scanned document” means an electronic version of a paper document created by scanning the document.

16.201(34) Self-represented. “Self-represented” means persons or parties who represent themselves without the assistance of an attorney. An entity such as a partnership, association, corporation, or tribe, or an individual property owner in a landlord-tenant matter, may be self-represented when otherwise authorized by law to be represented by an officer, employee, or nonattorney representative. *See, e.g.,* Iowa Code § 631.14(1), (2)(a); *In re N.N.E.*, 752 N.W.2d 1, 12-13 (Iowa 2008). Except where this chapter specifically indicates otherwise, “attorney” includes self-represented litigants. *See* rule 16.201(13) (definition of “filing agent”).

16.201(35) Signature. “Signature” means, for the purpose of electronically filing a document in EDMS, one of three formats.

a. For a registered filer electronically filing a document, “signature” means the registered filer’s login and password, accompanied by one of the following approved signature representations and a block of identifying information as described in rule 16.305(4) (signature block):

1. “Digitized signature” means an electronically applied, accurate, and unaltered image of a person’s handwritten signature.

2. “Electronic signature” means an electronic symbol, either “/s/” or “/filer’s name/,” that a person has executed or adopted with the intent to sign the document.

3. “Nonelectronic signature” means a handwritten signature applied to an original document that is then scanned and electronically filed.

b. For a nonregistered filer or party signing a document, or for a registered filer signing a document that another filer will electronically file, “signature” means the filer’s or party’s name affixed to the document as a digitized or nonelectronic signature, along with a block of identifying information as described in rule 16.305(4).

COMMENT:

“Signature.” For EDMS filing, a “digital signature” must be treated like a nonelectronic signature. “Digital signature” means a complex string of electronic data that is embedded in an electronic document for the purposes of verifying document integrity and signer identity. It can also be used to ensure that the original content of the message or document that has been delivered is unchanged. When a document is filed in EDMS, it is modified by the electronic file stamp. This causes digitally signed documents to display as altered in EDMS. The filer should print the digitally signed document showing a representation of the signature and the verifying codes, then scan and electronically file the resulting document. If the digitally signed document is an original document as described in rule 16.411, the filer must retain the original document. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.201(36) Specialized nonparty filer. “Specialized nonparty filer” means a filer who may file documents in multiple cases without being a party, such as a bail bond agent or a service provider. *See* rule 16.304(1)(b)(3) (specialized nonparty filer registration).

16.201(37) Specialized nonparty user. “Specialized nonparty user” means a nonparty other than an attorney registered to electronically view and download information from electronic files that are not confidential or protected. A specialized nonparty user may view or download documents in

multiple cases and may have access to restricted information. A qualified abstractor is a specialized nonparty user who may have access to birth dates and names of children. A court interpreter on Iowa's roster of court interpreters is a specialized nonparty user but does not have access to birth dates or names of children. *See* rules 16.304(1)(d) (requirements for specialized nonparty user registration) and 16.502(2) (abstractor remote access).

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017; August 26, 2020, effective January 1, 2021; August 30, 2021]

Rules 16.202 to 16.300 Reserved.

DIVISION III

GENERAL PROVISIONS

Rule 16.301 Electronic document management system (EDMS). The clerk of court is responsible for maintaining an electronic court file in EDMS for all cases filed under this chapter, receiving case filings into EDMS by electronic transmission and scanning documents into EDMS for nonregistered parties.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.302 Electronic filing mandatory.

16.302(1) *Electronic registration and filing requirements.* All attorneys authorized to practice law in Iowa, all attorneys admitted pro hac vice, and all self-represented persons, except as this chapter provides, must register to use EDMS as provided in rule 16.304(1). Registered filers must electronically submit all documents to be filed with the court unless this chapter or the court otherwise requires or authorizes.

16.302(2) *Exceptions from electronic filing requirements.*

a. One-time exceptions. For good cause, the court at any time, or the clerk of court while the clerk of court office is open, will authorize any filer to submit a document on a one-time basis nonelectronically to the clerk for filing.

b. Self-represented defendants. A self-represented individual defendant who is not yet a registered filer is permitted to make that defendant's initial filing, such as an answer, in paper.

c. Duration of case exceptions. For good cause, the chief judge of the judicial district in which a case is pending, or the chief judge's designee, will excuse a self-represented individual party from registering to file electronically and from filing electronically throughout the case. For purposes of this paragraph, good cause includes lack of regular access to the Internet through a device suitable for reading documents maintained at the party's residence or on the party's person.

d. Court order requirement. Grants and denials of requests for exceptions from registering to file electronically throughout the case will be made by court order.

COMMENT:

Rule 16.302(2). Implementation of electronic filing in Iowa courts should not impede any person's access to justice. When there are legitimate reasons preventing a person from electronic filing, the court should grant that person an exception. A self-represented individual party not only needs to be able to make electronic filings, but also needs to be able to receive and read new electronic filings in a timely manner. Thus, if a party's only access to the Internet is through a public access terminal at a courthouse or through a public library, this should constitute good cause for an exception, if requested, from the requirements for electronic participation in a case. Other grounds may also constitute good cause for an exception from the EDMS registration requirement in a particular case. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.302(3) *Exceptions by rule.* The following persons are excused from the EDMS registration and electronic filing requirements without the necessity of a court order:

a. Self-represented criminal defendants. A self-represented criminal defendant is not required to be but may choose to be a registered filer.

b. Confined parties. A party who is confined pursuant to governmental authority, including but not limited to a person who is incarcerated or civilly committed, is excused from registering to file electronically.

c. Self-represented parents. Self-represented parents of a minor who are parties in a juvenile case are excused from registering to file electronically.

d. Excused persons may become registered filers. If a person excused under this rule chooses to register, the person waives the exception from registering to file electronically and is governed by

these rules in the same manner as any registered filer. If the person later desires to be excused from registration, the person must apply for and receive an exception pursuant to the rules of this chapter. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.303 Submission of paper documents.

16.303(1) *Submission of paper documents for scanning.*

a. Delivery to clerk of court. If a court authorizes the clerk of court to scan a paper document, the document must be printed on only one side and delivered to the clerk with no tabs, staples, or permanent clips, but it may be organized with paperclips, clamps, or some other type of temporary fastener, or it may be delivered to the clerk in an appropriate file folder.

b. Redacted versions of paper documents containing protected information. If a paper document contains protected information, the filer must make the same redactions that rule 16.605 requires for electronic filings before filing the document in paper. For original documents that the filer has not created, the filer must deliver both a redacted version and the original version of the document to the clerk of court unless rule 16.605(2)(c) applies.

c. Civil cover sheets and confidential information forms. When a filing requires it under the Iowa Rules of Civil Procedure, a filer who is excused from registering to file electronically must complete a civil cover sheet and confidential information form in paper.

16.303(2) *Return of documents by mail.* If a filer wants the clerk to return an original document that was submitted in paper, the filer must provide the clerk of court a self-addressed, stamped envelope large enough to accommodate the document.

16.303(3) *Court retention of paper documents.* Except as otherwise provided in these rules, the court will not retain paper documents submitted to it. *See, e.g.,* rule 16.313(1) (items that may be filed nonelectronically).

16.303(4) *Paper court files.* Except as otherwise provided in these rules or as the court directs, the clerk of court will not maintain paper court files in cases commenced on or after the initiation of electronic filing in a particular county or in the appellate courts. *See, e.g.,* rule 16.313(1) (items that may be filed nonelectronically).

16.303(5) *Application of redaction rules for personal privacy protection.* The redaction rules for personal privacy protection in division VI of this chapter apply to paper documents submitted for scanning and electronic filing.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.304 Registration; logins; passwords.

16.304(1) *Registration.*

a. Registration requirement. Registration is required to file documents electronically in any case this chapter governs and to remotely access and download electronically filed documents. *See* rules 16.302(1) (electronic registration and filing requirements) and 16.502 (access to electronic court files).

b. Filer registration. To file documents with the court electronically, filers, self-represented litigants, and specialized nonparty filers must complete the EDMS registration process. Filers can request an account and obtain a login and password for EDMS in the electronic filing section of the Iowa Judicial Branch website. Filers can access the registration process with personal computers or by using public access terminals at county courthouses.

(1) *Requirements for pro hac vice registration.* Before registering to use EDMS, an out-of-state attorney must first make application for and be admitted pro hac vice pursuant to chapter 31 of the Iowa Court Rules, Admission to the Bar. The in-state attorney appearing with the out-of-state attorney in the proceeding must file the application for admission pro hac vice. If the court grants the application, the out-of-state attorney must complete the registration process in the electronic filing section of the Iowa Judicial Branch website and enter an appearance in the case.

(2) *Requirements for filing agent registration.* An officer, employee, or other nonattorney representative electronically filing for an entity such as a partnership, association, corporation, or tribe, or filing for an individual property owner in a landlord-tenant matter, must register as a filing agent. If the filing agent appears on behalf of multiple entities or individual property owners under the rules of this chapter, the agent must register separately for each entity or individual property owner the agent represents. *See* rule 16.201(13) (definition of “filing agent”).

(3) *Requirements for specialized nonparty filer registration.* Specialized nonparty filers must register to file electronically. Specialized nonparty filers may include bail bond agents, process servers, and other persons who generally are not considered parties but who need to file documents in multiple cases.

c. Law student and law graduate registration requirements.

(1) To use EDMS, a law student or law graduate qualified to engage in the practice of law or appear as counsel must contact EDMS Support at the number or email address located on the electronic filing login page of the Iowa Judicial Branch website to obtain an application for registration. The student or graduate must submit a completed application, signed by a supervising attorney, to obtain a login and password.

(2) The student or graduate must enter an appearance in each case in which the student or graduate is practicing and must file to withdraw from each case when the student's or graduate's practice is completed.

(3) Upon termination of the supervision of the student's or graduate's practice, the supervising attorney must notify EDMS Support to have the student's or graduate's registration inactivated.

(4) A law student or law graduate in good standing who resumes practice before admittance to the bar must reinstate his or her former registration by submitting a new application for registration signed by a current supervising attorney.

(5) Once the student or graduate is licensed to practice law in Iowa, the new attorney must withdraw from the law student account and register with the attorney identification number (AT PIN) assigned by the office of professional regulation.

d. Registration requirements for specialized nonparty users and abstractors.

(1) To register, specialized nonparty users must request an application through EDMS Support at the telephone number or email address located on the electronic filing login page of the Iowa Judicial Branch website.

(2) Abstractors are specialized nonparty users. For the purpose of remote access to court documents and otherwise restricted information, an abstractor must either qualify as a "participating abstractor" as recognized by the Title Guaranty Division of the Iowa Finance Authority, be a licensed abstractor at such time that abstractors are licensed in the State of Iowa, or be substantially equivalent to a "participating abstractor" as determined by the state court administrator or the state court administrator's designee.

(3) Court interpreters are specialized nonparty users. For the purpose of remote access to court documents and other restricted information, a court interpreter must be listed on Iowa's roster of court interpreters maintained by the Iowa Judicial Branch's Office of Professional Regulation.

e. Changing passwords. Once registered, a registered filer must change the filer's password. If a registered person or entity believes the security of an existing password has been compromised, the person or entity must change the password immediately. The court may require password changes periodically.

f. Changes in filers' contact information. If a registered filer's email address, mailing address, or telephone number changes, the filer must promptly make the necessary changes to the registered filer's account information on the My Profile page in the filer's EDMS account. The filer must provide appropriate notice of changes in contact information to any nonregistered filer in every active case.

g. Duties of registered filers.

(1) *To update email.* Registered filers must maintain current registered email account information.

(2) *To monitor account.* Registered filers must monitor their accounts regularly and ensure that notifications sent to the account are timely opened.

(3) *To notify the court when no longer able to participate.* Registered filers who can no longer participate electronically in their cases must notify the court and request an exception from electronic filing in each case. *See rule 16.302(2).* When the registered filer has received an exception in each of the filer's open cases, the registered filer must withdraw from participation in electronic filing before the exceptions become effective.

h. Withdrawal from electronic filing. Registered filers may withdraw from participation in EDMS by logging in to the My Profile page of the filer's EDMS account or by contacting the clerk of court. Upon the withdrawal from electronic filing, the person's or entity's registration, login, and password are canceled and the filer's name is deleted from any applicable electronic service list. A registered filer's withdrawal from participation in EDMS is not authorization to file cases or documents nonelectronically. To file nonelectronically, the filer must obtain an exception from

the electronic filing requirement from the chief judge of each judicial district where the filer has a case pending. The filer should obtain an exception from electronic filing before withdrawing from EDMS. A registered filer's withdrawal from participation in EDMS is not a withdrawal from a case.

16.304(2) Logins and passwords. Filers must use logins and passwords to file documents electronically.

a. Any electronic filing, downloading, or viewing of an electronic file or document is deemed to be made with the authorization of the person registered to use the login and password unless and until clear and convincing evidence proves otherwise.

b. A registered filer must not knowingly permit the filer's login and password to be used by any other person except:

(1) A registered attorney may permit the attorney's login and password to be used by an authorized member or staff of the attorney's law office.

(2) A registered filer for an entity or governmental agency may permit the filer's login and password to be used by an authorized member or staff of the entity or governmental agency.

c. If a login or password is lost, misappropriated, misused, or compromised in any way, the person registered to use that login or password must promptly contact EDMS Support at the number or email address located on the electronic filing login page of the Iowa Judicial Branch website. If a login or password is lost, misappropriated, misused, or compromised in any way, the court may cancel the registration. The registered person or entity may be required to apply for a new password and login by completing a new registration.

d. For good cause, the court may refuse to allow a user or a filer to electronically file or download information in EDMS. The affected user or filer may apply with the court to reregister. Improper use of electronic filing, such as an intentional misuse or reckless use of a password or login, may subject a person to court sanctions. A person prohibited from electronic filing is not excluded from using the court system, but the person must obtain authorization under rule 16.302(2) to submit paper documents to the clerk for filing.

e. For system security reasons, a registration may be immediately suspended.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017; August 26, 2020, effective January 1, 2021; August 30, 2021]

Rule 16.305 Signatures.

16.305(1) Registered filers. A registered filer's login and password required for submission of documents to EDMS, accompanied by a digitized, electronic, or nonelectronic signature representation and a signature block as described in rule 16.305(4)(a), serve as the registered filer's signature on all electronic documents filed with the court. These also serve as a signature for purposes of the Iowa Rules of Civil Procedure, any other applicable Iowa Court Rules, and for any other purpose for which a signature is required in connection with proceedings before the court.

16.305(2) Nonelectronic signatures. If a document contains a nonelectronic signature, the signed document must be scanned for electronic filing.

16.305(3) Documents requiring oaths, affirmations, verifications, acknowledgements, or notarization. Any document requiring that a signature be made under oath or affirmation or with verification or acknowledgement, or any document being notarized, must be either signed by the subscriber nonelectronically and scanned for electronic filing or signed by the subscriber with a digitized signature. The same requirements apply to any oath giver's or witness's signature.

COMMENT:

Rule 16.305(3). A notary signature cannot be an electronic /s/ signature; it must be a digitized or nonelectronic signature. The notary seal may be electronic pursuant to Iowa Code chapter 9B. If the law requires the document to be signed in the notary's presence, the oath giver's and witness's signatures must be either nonelectronic or digitized (applied by a mechanism such as a signature pad that captures an unaltered image of the signer's signature). See Iowa Secretary of State website for additional information on notarization. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.305(4) Signature blocks. Any filing requiring a signature must be signed with a signature representation authorized by these rules and accompanied by a block of identifying information.

a. The following identifying information about the person signing the filing, to the extent applicable, must be typewritten or printed under the person's signature representation:

1. Name.

2. Law firm or name of partnership, association, corporation, tribe, or individual property owner in a landlord-tenant matter on whose behalf the filing agent is signing.

3. Mailing address.

4. Telephone number.
5. Email address.
6. The email addresses of any other persons at the law firm who are to be notified of additions or corrections to the electronic file.
 - b. Victims and protected persons may omit mailing addresses, telephone numbers, and email addresses from their signature block when necessary for their protection.
 - c. Registered filers are responsible for promptly updating the information in (1) through (6) of rule 16.305(4)(a) in their EDMS account. Nonregistered filers are responsible for informing the court of any changes in this information with respect to all cases in which they have appeared.

COMMENT:

Rule 16.305(4). Under the signature rules of chapter 16, the following signature blocks are valid:

/s/ Judith Attorney
Attorney Law Firm
1111 Court Ave., Des Moines, IA 50209
515-555-5555
JAttorney@Law.gov

Or,

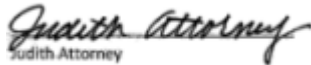
/s/ with name typed beside symbol as follows:

/s/ Judith Attorney
Judith Attorney
Attorney Law Firm
1111 Court Ave., Des Moines, IA 50209
515-555-5555
JAttorney@Law.gov

Or,

/ Judith Attorney /
Judith Attorney
Attorney Law Firm
1111 Court Ave., Des Moines, IA 50209
515-555-5555
JAttorney@Law.gov

Or,



Judith Attorney

Judith Attorney
Attorney Law Firm
1111 Court Ave., Des Moines, IA 50209
515-555-5555
JAttorney@Law.gov

If the attorney logged in is not the attorney signing, the document must be signed by both, including a signature block for each attorney.

/s/ Judith Attorney
Judith Attorney
Attorney Law Firm
1111 Court Ave., Des Moines, IA 50209
515-555-5555
JAttorney@Law.gov

And

/s/ Andrew Attorney
Andrew Attorney
Attorney Law Firm
1111 Court Ave., Des Moines, IA 50209
515-555-5555
AAttorney@Law.gov

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.305(5) Multiple signatures.

a. By filing a document containing two or more signatures, the registered filer confirms that the content of the document is acceptable to all persons signing the document and that all such persons consent to having their signatures appear on the document.

b. To receive notice of the filing of subsequent documents in the case, any persons signing the document must be registered filers.

c. After following the requirements of this rule, the registered filer must either:

(1) Scan the original document, with all of the signatures attached, and file the document electronically; or

(2) Electronically file the document in a portable document format (.pdf) using a signature format set out in the comment to rule 16.305(4).

16.305(6) *Signatures presumed valid.*

a. A signature on an electronically filed document is presumed valid and authentic until established otherwise by clear and convincing evidence.

b. A digitized or nonelectronic signature on a document that a governmental agency electronically files for the purpose of obtaining court action or any other signature the court has approved is presumed valid even if the signature is not from a registered filer.

COMMENT:

Rule 16.305(6). This rule does not supersede any foundation or proof requirements contained in the Iowa Code or the Iowa Court Rules.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.305(7) *Disputing authenticity or validity of signatures.* An attorney or a party who disputes the authenticity or validity of any digitized, nonelectronic, or electronic signature on an electronically filed document must file an objection to the signature within 30 days after the attorney or party knew or should have known the signature was not authentic or valid.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017; August 30, 2021]

Rule 16.306 Electronic filing.

16.306(1) *Electronic cover sheets.*

a. A registered filer must complete an electronic cover sheet for each filing by entering the proper information into EDMS.

b. Governmental agencies may obtain state court administration approval to use alternative software to exchange electronic records with EDMS. The alternative method for filing or presenting documents must enable correct routing and docket entry of the documents to permit an exception to the electronic cover sheet requirement. The alternative method must also accommodate requests for expedited relief and requests to restrict access to documents.

COMMENT:

Rule 16.306(1). A filer must complete the electronic equivalent of a cover sheet when initiating a case or filing or presenting a document or group of documents for electronic filing. The electronic cover sheet is a series of web pages on which the filer enters information. These web pages differ depending on whether the document is related to a criminal or civil case or whether the document is being filed in a new case or an existing case. A properly completed electronic cover sheet will route the document to the correct electronic file and will create a correct docket entry for the document. The electronic cover sheet may also notify the court of a request for expedited relief or ensure that access to a document is properly restricted. An electronic cover sheet for a new civil case replaces the paper civil cover sheet required by Iowa Rule of Civil Procedure 1.301(2). Only parties excused from registration will file the paper form of the civil cover sheet and the confidential information form. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.306(2) *Filing.* A document is considered filed or presented at the time EDMS has received it, unless the clerk of court returns it.

COMMENT:

Rule 16.306(2). When EDMS receives a district court document, the file stamp records the date and time and generates a status update in the filer's EDMS account. The document is not considered received until the status of "received," "awaiting approval," or "filed" is displayed in the filer's EDMS account. EDMS will generate a status update upon case initiation or a notice of electronic filing or presentation in all other instances that confirms EDMS has received the document. Subject to security and jurisdictional rules, the system also generates a notice of electronic filing or presentation to indexed case parties. When the clerk of court reviews and approves the submission, the system generates a date and time stamp on the document that is the same as the date and time the system noted in the status update—the time EDMS first received the filer's submission in the system. This is the date and time of the official filing of the document with the court system. For example, a filer submits a document to the system at 9:58 p.m. on Thursday, March 30, 2016. Soon after, the status message on the filer's My Filings page will read "Received" and then "Awaiting approval" (for presented documents, the status will be "Filed"). The filer then knows the date and time that the court has received the filing. The following Monday morning the clerk reviews and approves the filing. The system will place a file stamp on the document of 9:58 p.m., March 30, 2016. The clerk of court may also return an incorrect submission with instructions to correct the filing. *See* rule 16.308(2)(d)(2). In this circumstance, the document is not filed and the date and time of filing that the system tracked are not retained. Upon resubmission of the document, a new

date and time of filing are assigned and a new status update and notice of electronic filing or presentation are generated. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.306(3) *Emailing or faxing documents does not constitute electronic filing.* Emailing or faxing a document to the clerk of court or to the court will not generate a file stamp or a notice of electronic filing or presentation and will not result in the filing of the document.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.307 Electronic file stamp.

16.307(1) Each document electronically filed with the clerk of court receives a file stamp reflecting the date and time that it was initially received by EDMS.

16.307(2) Each document electronically filed with the clerk of the supreme court receives a file stamp reflecting the date that it was received by EDMS.

16.307(3) The date and time on the file stamp will be consistent with the notice of electronic filing or presentation on the filer's status update. The electronic file stamp becomes a part of the electronic document and is visible when the document is printed or viewed online. Electronic documents are not officially filed unless they have an electronic file stamp. Electronic file stamps have the same force and effect for electronic submissions as nonelectronic file stamps for nonelectronic submissions. *See* rule 16.201(12) (definition of "file stamp").

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.308 Docket entries.

16.308(1) *Selecting document types.* For each electronically filed document, a filer must choose an accurate document type from the options listed on the electronic cover sheet.

16.308(2) *Correcting document types.*

a. Clerk of court to correct document types. Once a document is submitted into EDMS, only the clerk of court may make corrections to the document type the filer has chosen.

b. Clerk of court to correct docket entries. If a docket entry is incorrect, only a clerk of court can correct the docket entry. The docket will reflect that the clerk made a change to a docket entry.

c. Errors that filers discover.

(1) If a filer discovers an error in the electronic filing or docketing of a document, the filer must contact the clerk of court as soon as possible. When contacting the clerk, the filer must have available the case number of the document that was filed or docketed erroneously.

(2) A filer may not refile or attempt to refile a document that has been erroneously filed or docketed unless the clerk of court specifically directs the filer to do so.

(3) To meet a deadline, a filer who discovers an error in the electronic filing or docketing of a document but who cannot immediately contact the clerk of court may resubmit a corrected document.

d. Errors that clerks of court discover.

(1) If the clerk of court discovers an error in the filing or docketing of a document, the clerk will ordinarily notify the filer of the error and advise the filer of what further action the filer must take, if any, to address the error.

(2) The clerk of court may return the submission to the filer with an explanation of the error and instructions to correct the filing. In such instances, it is the responsibility of the filer to keep a record of the notice EDMS generated to verify the date and time of the original submission. The rules of this chapter are not intended to address whether a filer who submits a corrected filing after return of the original submission may have the date and time of the corrected filing relate back to the date and time of the original submission.

(3) If the error is minor, the clerk of court may, with or without notifying the parties, either correct or disregard the error.

(4) An error in the filing or docketing of a document may be an error that adversely affects the proper processing of the document by EDMS, such as a document that is filed in the wrong case, a document that is filed with the wrong event code, or a document that is scanned incorrectly. It may also be an omission of information necessary to properly identify the parties initiating a new case or the subjects of a warrant, a failure to pay a required filing fee, an error that prevents the correct filing fee from being charged, or the omission of a signature from a filing that must be signed.

COMMENT:

Rule 16.308(2). This rule addresses instances when a filer selects an incorrect document type or submits documents that cannot be correctly filed or docketed. The clerk of court may return a submission to the filer for correction when, for example,

a document is scanned upside down or sideways, is scanned in such a way that the file stamp cannot be applied, is improperly attached to other documents, or is submitted under the wrong docket entry such that EDMS cannot process the document correctly. It is the filer's responsibility to keep a record of the original submission date and time, as well as the reason for the return of the filing, contained in the Filing Status Reports available through the filer's EDMS account under My Filings. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.309 Date and time of filing; deadlines; technical difficulties.

16.309(1) *Date and time of filing; deadlines.*

a. An electronic filing may be made whenever EDMS is available, including holidays, weekends, and evenings. The availability of electronic filing, however, does not affect deadlines or the provisions for extension of deadlines in the Iowa Code or Iowa Court Rules. When a document is filed electronically, EDMS applies an electronic file stamp to the document reflecting the date or the date and time that the document was actually received by EDMS. *See* rule 16.306(2) and comment and rule 16.307.

(1) *Exceptions for trial informations and minutes of testimony.* Trial informations and accompanying minutes of testimony are not file stamped until the court approves them.

(2) *Submissions that the clerk of court returns.* A submission that the clerk of court returns unfiled because of an error is given a file stamp when the filer submits the corrected version.

b. The date and time of the electronic file stamp are considered the official filing date and time for purposes of computing relevant deadlines.

c. A document is timely filed if it is filed before midnight on the date the filing is due.

d. If a deadline established in these rules is different from a deadline established in a court order in a particular case, the deadline established in the court order controls.

16.309(2) *Technical difficulties.*

a. A party's technical difficulty or the unavailability of EDMS does not excuse a party from complying with a jurisdictional deadline.

b. If a registered filer is unable to meet a nonjurisdictional deadline due to a technical difficulty, the filer must file the document using the soonest available electronic or nonelectronic means. The filing is not timely unless the court determines it to be timely after the filer has had an opportunity to be heard on the matter.

16.309(3) *Notices of system unavailability.*

a. *Scheduled maintenance.* When EDMS will not be available due to scheduled maintenance, a notice of the date, time, and anticipated length of the unavailability will be posted on the Iowa Judicial Branch website and to other authorized social media.

b. *Unexpected unavailability.* When EDMS is unexpectedly unavailable, a notice of the problem will be posted on the Iowa Judicial Branch website and other authorized social media.

16.309(4) *Extended system unavailability; filing and service.* In the event of an extended period when EDMS is not available, the filer may take a paper document to the clerk of court during regular business hours for filing. In such instances, the filer is responsible for service of the document on case parties entitled to service.

16.309(5) *Court-generated documents; computation of deadlines.* Electronic filings by the court, such as court orders, may be made at any time. They will receive a file stamp reflecting the date and time when EDMS received the filing. The clerk of court will process such filings with reasonable promptness during regular weekday hours before the filing is served electronically on all registered filers. Regardless of when a party receives notice of electronic filing of a court-generated document, the date and time of the file stamp are the official filing date and time for purposes of computing all relevant deadlines.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

COMMENT:

Rule 16.309. Electronic filing enables the filing of documents outside of normal business hours. A document filed before midnight on the date the filing is due is considered timely filed. Filers are cautioned, however, not to wait until the last moment to file documents electronically as EDMS may not always be available. Just as a jurisdictional deadline cannot be extended for a filer, who— due to vehicle or traffic problems, for example—arrives at the courthouse moments after the clerk of court office has closed, jurisdictional deadlines cannot be extended for the filer who encounters system or other technical difficulties between the time of close of business and a midnight filing deadline. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.310 Format of electronic documents. All documents filed electronically must be formatted according to applicable rules governing formatting of paper documents in the Iowa Rules of Civil Procedure and the Iowa Rules of Appellate Procedure. A document must be converted to a portable document format (.pdf) and must not be password protected before the document is filed electronically. The filer must ensure that the filing is an accurate, complete, and readable reproduction of the document.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.311 Attachments to electronic documents.

16.311(1) The following documents must be attached electronically to a filed electronic document without a separate electronic cover sheet:

a. When a court order is required to amend a previously filed document, the proposed amendment must be attached to a motion for leave to file that document.

b. Any item that is included as an exhibit to a document must be attached to the electronic document.

c. Any additional pages required to complete a court form must be attached to the electronic court form.

COMMENT:

Rule 16.311(1). Supporting materials attached to an application, motion, court form, or verification of account, etc., were called “exhibits” prior to electronic filing. In EDMS, those supporting materials are called “attachments,” and the term “exhibit” is reserved for evidence entered into the record at a hearing or trial. Examples of documents that are attached to other documents include supporting documents that are attached to an adoption petition, a written notice of intention to file an application for default that must be attached to a request for default, additional pages completing a court form, and evidence or affidavits used to support an application or a motion. The filer uploads the application, form, or motion into EDMS, and then selects “Attachment” as the document type for the supporting materials. When the filer picks the “Attachment” document type, the system prompts the filer to pick the document to attach to. The document and attachment are then electronically linked and will show on the case docket as related. *See* rule 16.412(5) (exhibits to pleadings).

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.311(2) Separate documents may be submitted at the same time but must be uploaded separately, with an individual document type selected for each document.

COMMENT:

Rule 16.311(2). Examples of such submissions are a petition for dissolution of marriage, a motion for temporary support, and a financial affidavit. There are, however, some documents that should not have other documents attached to them. For example, nothing should be attached to a proposed document. Also, a proposed order should not be attached to any other document, including the motion or application regarding that order. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.312 Hyperlinks and other electronic navigational aids.

16.312(1) Hyperlinks and other electronic navigational aids may be included in an electronically filed document as an aid to the court and the parties. Each hyperlink must contain a complete text reference to the target of the link. This text reference, when copied, must enable a user to reach the same target that would be reached by activating the hyperlink.

16.312(2) If an electronically filed document contains hyperlinks, the filer is responsible for creating and embedding the links in the document.

16.312(3) Material that can be reached through a hyperlink in an electronic filing is not considered part of the official record or filing unless already part of the record in the case.

16.312(4) Hyperlinks to cited authority may not replace standard citation format for constitutional citations, statutes, cases, rules, or other similarly cited materials.

16.312(5) Hyperlinks may provide an electronic link to other portions of the same document. It is not possible, however, to hyperlink from one document in the electronic court file to another document in the electronic court file.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

COMMENT:

Rule 16.312. Use of hyperlinks for cited legal authorities is encouraged. Hyperlinks may also be used to refer the court to other information. Hyperlinks are not part of the filed document, so the filed document must comply with traditional citation requirements. Filers are cautioned, however, that links to external documents or websites may become invalid over time. Additionally, the functionality of hyperlinks will depend on the web browser or computer application used to view the document. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.313 Nonelectronic filings.

16.313(1) *Items that may be filed nonelectronically.* The following documents and other items may be filed nonelectronically and need not be maintained in the electronic court file unless these rules, the clerk of court, or the court otherwise require or authorize electronic filing:

- a. The administrative record in cases in which the court is asked to rule based on that record, but all other documents, including the petition, answer, briefs, and motions, in the judicial review proceedings must be filed electronically and maintained in the electronic court file.
- b. Transcripts of proceedings before the court that are not available in electronic format.
- c. Any item that is not capable of being filed in an electronic format.

COMMENT:

Rule 16.313(1)(a). This rule addresses the cost and time concerns in administrative review cases by allowing the administrative record to be filed in a nonelectronic format. Besides their size, these records often contain sensitive information, such as information protected by federal HIPAA laws. This rule does not encompass cases covered by Iowa Code chapters 252C, 252F, and 252H. The documents generated in those cases should be filed electronically. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.313(2) *Service of notice of items filed nonelectronically.* For items filed nonelectronically pursuant to rule 16.313(1), the filer must file an electronic notice of filing the item. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.314 Original notice.

16.314(1) *Form of original notice.* When a party electronically files a new case, the party must submit an original notice as a separate document type along with the petition in the form the Iowa Rules of Civil Procedure require. In addition, the original notice—except in small claims actions—must:

- a. State that the case has been filed electronically.
- b. Direct the other party to this chapter of the Iowa Court Rules for general rules and information on electronic filing.
- c. Refer the other party to division VI of this chapter of the Iowa Court Rules regarding the protection of personal or confidential information in court filings.

16.314(2) *Clerks of court affixing seal to original notice.* After a petition is filed, the clerk of court will electronically affix the clerk's seal to the original notice and electronically return a sealed and signed original notice to the registered filer.

16.314(3) *Service of original notices.* Original notices must be served upon the party against whom an action is brought in accordance with the Iowa Code and the Iowa Rules of Civil Procedure.

COMMENT:

Rule 16.314(3). Electronic service cannot be used to serve an original notice or any other document that is used to confer personal jurisdiction. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.314(4) *Return of service.* After the original notice is served, the filer must scan and electronically file the return of service. The return of service must contain a listing identifying the documents served.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017; Court Order February 15, 2017, temporarily effective February 15, 2017, permanently effective April 17, 2017]

Rule 16.315 Electronic service of documents subsequent to original notice.

16.315(1) *Electronic service of documents filed by registered filers.*

a. Completing the registration process, *see* rule 16.304(1), constitutes a request for, and consent to, electronic service of court-generated documents and documents other parties file electronically.

b. When a document is electronically filed, EDMS serves the document on all parties who are registered filers. *See* rule 16.201(11) (definition of “electronic service”). Service occurs by the posting of a notice of electronic filing or presentation into the filer's EDMS account along with a link to the document or documents presented or filed. The posting of the notice of electronic filing or presentation constitutes service of the document for purposes of the Iowa Court Rules. No other service on those parties is required.

c. Notice of electronic filing or presentation will only be provided to registered filers and registered case parties who have filed an entry of appearance or filed an answer, filed a notice of case association, or filed an appearance as a court-approved intervenor.

d. Notices of electronic filing or presentation will continue to be provided to a registered filer until the filer has filed a withdrawal from the case and, if applicable, obtained an order allowing the withdrawal.

e. Electronic service is not effective if the filer learns the notice of electronic filing or presentation was not transmitted to a party.

f. EDMS will not provide notices of electronic filing or presentation for documents filed pursuant to rule 16.405(4), 16.702, 16.703, or 16.802, or on documents that require personal service to confer jurisdiction. The filer is responsible for service of documents that must be personally served to confer jurisdiction in accordance with rule 16.315(2) on service to nonregistered filers.

COMMENT:

Rule 16.315(1)(e). Subject to the exceptions in rule 16.315(1)(f), when EDMS receives a filing covered by this rule, EDMS will automatically generate a notice of electronic filing or presentation, which contains a list of the parties who were served electronically and a list of the parties who must be served by other means. It is the responsibility of the filer to review the notice of electronic filing or presentation to ensure that all parties that require service have received it. If the filer learns of a delivery failure, the filer must provide service to that person by other means. A notice of electronic filing or presentation will not be generated on case initiation, on applications for warrants, on emergency applications (such as emergency removals or emergency detention in juvenile cases), or on documents proposed for restricted access or filed under an order restricting access. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.315(2) *Service of paper copies on parties.* Parties must serve a paper copy of any filed document on a party who is not a registered filer in a manner authorized by the Iowa Code or the Iowa Court Rules, unless the parties agree to another method of service. When serving paper copies of electronically filed documents in cases with multiple nonregistered filers other than criminal defendants, the filer must include a copy of the notice of electronic filing or presentation. The clerk of court will provide a copy of the notice of electronic filing or presentation upon a nonregistered filer's request.

16.315(3) *Service of documents that nonregistered filers file or present.*

a. Service on registered filers of documents that nonregistered filers file or present will be made by the clerk electronically through EDMS, except for service of restricted access documents filed under rule 16.405. *See* rule 16.201(11) (definition of "electronic service").

b. When a nonregistered filer submits a document to the clerk of court, the clerk will process the filing or presentation with reasonable promptness during regular weekday business hours before the filing is served electronically on all registered filers. In such event, the date and time on the file stamp are considered the official date and time of service for purposes of computing all relevant deadlines.

c. Nonregistered filers must serve a paper copy of documents they file with or present to the court on all persons entitled to service who are nonregistered filers in the manner the Iowa Rules of Civil Procedure or the Iowa Rules of Criminal Procedure require.

d. If a party receives a one-time exception to electronic filing pursuant to rule 16.302(2)(a), the procedures and requirements of rule 16.315(3) apply.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017; Court Order February 15, 2017, temporarily effective February 15, 2017, permanently effective April 17, 2017]

Rule 16.316 Certificate of service. A certificate of service must be filed for all documents EDMS does not serve. These include documents that must be served on parties who are nonregistered filers, documents that must be served on persons or entities seeking to intervene in a confidential case, documents that persons or entities file pursuant to rule 16.319(2), and discovery materials. *See, e.g.,* rules 16.315(1)(b), 16.319(1)(c), and 16.401(1)(a). The certificate must be filed promptly and show the date and manner of service. The certificate of service may be included on the last page of the document.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.317 Additional time after electronic service. When service of a document is made electronically, the time to respond is computed in the same manner as the Iowa Rules of Civil Procedure and the Iowa Rules of Appellate Procedure require for service by mail, fax, or email.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.318 Service of court-generated documents.

16.318(1) *Electronic notice and service for registered filers.* EDMS will electronically serve any court-generated document on all registered filers entitled to service. *See* rule 16.201(11) (definition of “electronic service”). Posting the notice of electronic filing or presentation in the registered filer’s EDMS account constitutes service or notice of the document. Notice of electronic filing or presentation will only be provided to registered parties who have entered an appearance or filed an answer, filed a notice of case association, or filed an appearance as a court-approved intervenor. Notices of electronic filing or presentation will continue to be provided to a registered filer until the filer has filed a proper withdrawal of appearance in a case and, if applicable, obtained an order allowing the withdrawal.

16.318(2) *Nonelectronic notice and service for nonregistered filers.* The clerk of court will mail paper copies of electronically filed court-generated documents to nonregistered filers entitled to service. In cases with additional nonregistered filers, the clerk may include a copy of the notice of electronic filing or presentation with the paper copy of the document. The clerk will not mail paper copies to registered parties who have not properly filed an entry of appearance or filed an answer, filed a notice of case association, or filed an appearance as a court-approved intervenor. The clerk will not mail paper copies of court-generated documents to nonregistered parties represented by counsel unless the rules or a court order otherwise require it.

16.318(3) *Certificate of service.* For court-generated documents that EDMS does not electronically serve, the clerk of court may note on the docket the parties served and the method of service instead of filing a certificate of service.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.319 Filing by potential intervenors or by nonparties.**16.319(1) *Potential intervenor filers.***

a. Manner in which to intervene. A person or entity seeking to intervene to become a party to a case must electronically file the application to intervene and all related documents unless excused from EDMS registration under rule 16.302(2).

b. Access to court file.

(1) Until the court grants the application to intervene, the person or entity seeking to intervene cannot download or view any confidential part of the court file, and the person or entity will not receive a notice of electronic filing or presentation of any document filed in the case.

(2) If the court grants the application to intervene, the person or entity must promptly file an entry of appearance or a notice of case association.

(3) An entry of appearance or a notice of case association must be filed before the person or entity can receive a notice of electronic filing or presentation.

c. Service.

(1) The documents a person or entity seeking to intervene files must be served pursuant to rules 16.315(1)(b) and 16.315(2).

(2) The person or entity seeking to intervene is required to serve a paper copy of the document on parties who are nonregistered filers. *See* rule 16.315(2).

(3) If the court or a party files a document related to the application to intervene, a paper copy of the document must be served on the potential intervenor in the same manner as a nonregistered filer. *See* rules 16.315(2) and 16.318(1).

(4) If the application to intervene is granted, the intervenor will subsequently be served copies of filed documents pursuant to rules 16.315 and 16.318(2).

COMMENT:

Rule 16.319(1). Examples of a party seeking to intervene in a case include a grandparent or relative seeking to become a party in a chapter 232 Child-in-Need-of-Assistance case or an attorney for an interested party in an estate. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.319(2) *Nonparty filers.*

a. Filing. Nonparty persons or entities entitled to file documents in a case without becoming a party need not appear in order to file documents. However, a nonparty filer must use electronic filing unless excused from EDMS registration under rule 16.302(2).

b. Access to court files. A nonparty cannot access the case remotely or download or view any confidential part of the court file. Additionally, a nonparty will not receive a notice of electronic filing or presentation of any document filed in the case.

c. Service. EDMS will serve on registered parties any documents a nonparty files. *See* rule 16.315(1)(b). The nonparty, however, must serve a paper copy of the document on parties who are nonregistered filers. *See* rule 16.315(2). If service of a document on the nonparty is required, a paper copy of the document must be served on the nonparty in the same manner as on a nonregistered filer. *See* rules 16.315(2) and 16.318(2).

COMMENT:

Rule 16.319(2). This rule describes the filing and serving of documents when the filer does not intend to intervene to become a party to the case and will not enter an appearance or file an answer or a notice of case association in order to be indexed to the case by the clerk of court. An example of a nonparty filer who wishes to file on a case but not become a party to the case is a person who seeks to quash a subpoena. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]
[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.320 Limited appearances.

16.320(1) *Entry of appearance.* An attorney whose role in a case is limited to one or more individual proceedings in the case must file a notice of limited appearance before or at the time of the proceeding. Upon the filing of this document, the attorney will receive electronic service of filed documents.

COMMENT:

Rule 16.320(1). An entry of limited appearance is made on behalf of a case party and gives the attorney full case access and electronic notifications on the case. If an attorney is not filing on behalf of an existing party, the attorney should file an application to intervene pursuant to rule 16.319(1) or file as a nonparty filer (rule 16.319(2)). Access to some confidential files or documents may require a court order. An example of an attorney filing an entry of limited appearance is an attorney hired by a petitioner in a dissolution case to represent that petitioner at a hearing on temporary custody. This rule is consistent with the Iowa Rules of Civil Procedure on limited appearances in that electronically filing the notice of limited appearance will cause EDMS to serve the notice on all registered parties. If there is a nonregistered party in the case, the filer must serve the notice on that party by other means. *See* chapter 32:1.2 Rules of Professional Conduct. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.320(2) *Termination of limited appearance.* At the conclusion of the matters covered by the limited appearance, the attorney must file a notice of completion of limited appearance. Upon the filing of this document, the attorney will no longer receive electronic service of documents filed in the case.

16.320(3) *Service on party.* During a limited appearance, the party on whose behalf the attorney has entered the appearance will continue to receive service of all documents.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rules 16.321 to 16.400 Reserved.

**DIVISION IV
FILING PROCESS**

Rule 16.401 Discovery.

16.401(1) *Service of discovery materials.*

a. Service. Parties may serve requests for discovery, responses to discovery, and notices of deposition by email on registered filers.

b. Time service occurs. When service is made by email, the time to respond is computed according to the Iowa Rules of Civil Procedure.

16.401(2) *Filing notice of discovery requests and responses.* Parties must file a notice with the court when serving a request for discovery, a response to discovery, or a notice of deposition on another party. The notice must identify the document served and include the date, manner of service, and the names and addresses of the persons served. This rule only requires the filing of a notice of deposition or a notice indicating that a discovery request or response was made. Parties should continue to follow the Iowa Rules of Civil Procedure with respect to the filing of discovery materials.

COMMENT:

Rule 16.401(2). This rule adds a layer of protection for parties. Registered filers' computer filters may occasionally filter out an emailed discovery request or response. Rule 16.401(2) ensures that registered filers will at least know they should have received a discovery document. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.402 Transcripts. Transcripts must be filed electronically in a secure format in accordance with rule 16.601(2), any administrative directive from the state court administrator, and the formatting requirements of Iowa Rule of Appellate Procedure 6.803(2). Transcripts of court proceedings on appeal from the district court must be electronically filed as searchable .pdf documents into the district court case file.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.403 Expedited relief. Requests for expedited relief must be noted on the electronic cover sheet.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.404 Briefs. Legal briefs and memoranda must be electronically filed.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.405 Restricting access to filings.

16.405(1) Scope. This rule covers restricting access to filings in the court system, including documents, exhibits, docket entries, cases, and other items or materials.

16.405(2) Applications to restrict access.

a. A filer seeking to restrict access to materials that are not deemed confidential by statute or rule must file an application to restrict access.

b. If a filer seeks to restrict access to a document or exhibit, the document or exhibit must not be attached to the application or the document or exhibit will become part of the public court file.

c. Documents or exhibits proposed for restricted access must be electronically presented to the court for review when reasonably practicable.

d. Either in the application to restrict access or in a proposed order presented with the application, the filer must clearly state who should have access to the materials.

e. If the court grants the application, restricted access will be placed on the materials at the security level specified in the order. If a document or exhibit is electronically presented with the application, the document or exhibit will be filed with the access specified in the order.

f. Rules governing electronic filing of restricted access documents in appeals to the Iowa Supreme Court are included in the Iowa Rules of Appellate Procedure.

COMMENT:

Rule 16.405(2)(d). For example: “Only attorneys and case parties should have access to this document.” [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

COMMENT:

Rule 16.405(2)(e). The court may approve the application and restrict access to the material to a specific level, or the court may deny the application and either order that the material be filed with public access or order that the material not be filed. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.405(3) Documents or exhibits filed subsequent to order to restrict access. If the court enters a protective order or an order directing or permitting the filing of documents or exhibits with restricted access, the parties must, without further order from the court, designate any document or exhibit filed under this rule as “Filed under order to restrict access” on the electronic cover sheet. All parties to the case must comply with any order restricting access. Any document or exhibit disclosing information that is subject to an order restricting access must also be filed with restricted access.

16.405(4) Service of documents or exhibits proposed for restricted access or filed under order restricting access. EDMS will not serve documents or exhibits that are proposed for restricted access or that are filed under an order restricting access. The filer is responsible for service under rule 16.315.

16.405(5) System-restricted documents, exhibits, or cases. Access to certain categories of documents, exhibits, or cases is restricted based on statutory or court rule requirements. Within EDMS, access is restricted automatically without application or an order of the court. A current list of system-restricted documents, exhibits, and cases is available from the clerk of court and is available on the Iowa Judicial Branch website.

16.405(6) Access to restricted documents and docket entries. EDMS restricts access to documents in three ways:

a. Some documents available only to certain parties and the court may be referenced in a docket entry available to the public. In civil cases, most restricted access documents are referenced in a

docket entry available to the public, but only certain parties and the court may view the documents themselves.

b. Some documents available only to certain parties and the court may not be referenced in a docket entry available to the public.

c. Some documents available only to the court are not referenced in a docket entry available to the parties or the public.

COMMENT:

Rule 16.405(6)(a). Examples of these documents include presentence investigation reports, minutes of testimony, and documents filed under restricted access pursuant to this rule. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

COMMENT:

Rule 16.405(6)(c). Examples of these documents include applications for search warrants and search warrants that have not been executed. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.405(7) Nonelectronic filings. All nonelectronic filings with the court must conform to the personal privacy rules that apply to electronic documents.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.406 In camera inspection. When the court orders in camera inspection of material, such material may be electronically presented to the court. After the court has examined the material and has entered an order concerning the issues raised by the material, if the court does not order the material to be produced in whole or in part, the court will file the presented material and restrict access to the level of security available to clerks of court and judges only.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.407 Subpoenas. The clerk of court may electronically make subpoenas available to registered filers in accordance with the Iowa Rules of Civil Procedure and the Iowa Rules of Criminal Procedure.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.408 Clerk of court certification of documents. Certified copies of electronically filed documents may be obtained from the clerk of court electronically or nonelectronically. The fee for a certified copy is established in the Iowa Code and the Iowa Court Rules. The clerk may certify documents by digitized or electronic signature and seal.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.409 Proposed orders. A proposed order may be electronically presented with a motion or without a motion. The proposed order must be submitted in an editable format capable of being read by Microsoft Word. Acceptable fonts are: Arial, Times New Roman/Times, Courier New, Tahoma/Geneva, Helvetica, Calibri, and Cambria. The document must not be password protected.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.410 Court reporter notes. Court reporters who have computer-aided transcription capability must electronically file court reporter notes.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.411 Original documents.

16.411(1) Generally.

a. When the law requires the filing of an original document, such as a will, codicil, mortgage document, note payable, birth certificate, foreign judgment, or other certified or verified document, the filer must scan the original document and electronically file the scanned document.

b. The filer must retain the original document for a period of no less than two years or until the conclusion of the case, conclusion of the appeal, conclusion of the estate, or as required by other applicable law.

c. The filer must immediately deliver the original document to the court upon request of the court or a party for inspection and nonelectronic preservation.

d. When the document is an original will, codicil, or a document having physical characteristics that must be present for the document to be valid or enforceable, the filer may, after filing the document electronically, submit it to the clerk of court for nonelectronic preservation.

16.411(2) *Exceptions for authorized governmental agencies.* A governmental agency with statutory authority to destroy an original document after making an unaltered image or electronic reproduction of the original document must retain and, upon request of the court or other party, immediately deliver an unaltered image or electronic reproduction of the original document to the court or other party for inspection and reproduction, if necessary.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.412 Exhibits.

16.412(1) *Maintenance of hearing and trial exhibits.*

a. Exhibits offered at a hearing or a trial must be maintained electronically for purposes of the record.

b. Exhibits offered at a hearing or a trial that cannot reasonably be maintained electronically may be maintained nonelectronically for purposes of the record.

c. Prior to offering an exhibit, the submitting party must redact the exhibit pursuant to division VI of this chapter (Personal Privacy Protection), except as provided in rule 16.601(3) (exhibits).

d. If the court requires a party to bring paper copies to trial for the court and jury, the paper copies must be marked as a copy.

16.412(2) *Electronic submission of proposed exhibits prior to hearing or trial.*

a. *Mandatory.* A party must submit proposed exhibits to the court prior to the hearing or trial in which the party intends to offer the proposed exhibits for admission into evidence. Upon submission through EDMS, each proposed exhibit will receive a file stamp. Case attorneys and self-represented case parties will have access to proposed exhibits. Exhibits offered or admitted into evidence are subject to the public access and personal privacy rules of divisions V and VI of this chapter.

b. *Exceptions.* The following exceptions apply to the requirement of submitting proposed exhibits electronically prior to hearing or trial.

(1) Prosecutors in a criminal case must submit proposed exhibits pursuant to this rule only if the exhibit has been disclosed to the opposing party through the discovery process.

(2) Criminal defendants may submit proposed exhibits prior to the hearing or trial but are not required to. The clerk of court will ensure criminal defense exhibits are maintained electronically. This rule does not supersede a defendant's obligations under Iowa Rule of Criminal Procedure 2.14.

(3) When a party could not reasonably anticipate use of an exhibit or when the exhibit is used as rebutting evidence, a party may be excused from electronically submitting the exhibit as a proposed exhibit prior to the hearing or trial.

(4) A party is excused from electronically submitting proposed exhibits prior to a hearing or trial if the party is excused from electronic filing under rule 16.302(2), 16.302(3), 16.701(3), or 16.801(2)(b).

c. Method.

(1) Each proposed exhibit must be a separate document.

(2) The filer must include the exhibit number and provide a description of the proposed exhibit in the "Exhibit Description" field. When an individual exhibit is filed in multiple parts, the filer must repeat the exhibit number and insert a description for each part into the "Exhibit Description" field.

(3) An exhibit that exceeds the required size limit for a submission as posted in the electronic filing section of the Iowa Judicial Branch website must be separated into parts of an acceptable size, and each part must be filed separately.

d. *Digital admission of exhibits and filing of exhibit maintenance order.* Within 7 days of the conclusion of the hearing or trial, the court must digitally admit all exhibits admitted into evidence during the hearing or trial and enter an exhibit maintenance order that states which proposed exhibits were offered and which were admitted into evidence. If no party files an objection to the exhibit maintenance order within 10 business days after the order's filing, the clerk of court may delete proposed exhibits that are not listed in the order.

e. *Sanctions.* If a party fails to submit a proposed exhibit as this rule requires, the court, upon its own motion or the motion of any party, may impose sanctions. A sanction imposed under this rule must be limited to that which will deter repetition of the conduct or comparable conduct by others.

A sanction for violating this mandatory electronic submission rule may not include exclusion of the exhibits from the hearing or trial.

COMMENT:

Rule 16.412(2). Access to proposed exhibits filed before trial is restricted to self-represented case parties, attorneys indexed to the case, and the court. If an exhibit in a public case contains protected information, the party offering it, or the party filing it as proposed, must redact the protected information before the exhibit becomes public. Rule 16.601(3) allows the submitting party 14 days to redact the exhibit before it becomes public. Admitted exhibits that a party has not identified as containing protected information generally become public. Exhibits submitted in paper in all proceedings, including proceedings listed in rules 16.412(3) and 16.412(6), may remain in paper unless the matter is appealed, at which time the clerk of court will scan the exhibits. Examples of descriptions in the “Exhibit Description” field for proposed exhibits include “Letter from Jane Doe” or “Photo of red car.” Examples of “Exhibit Description” field entries for exhibits filed in multiple parts include “Contract (Part 1)” and “Contract (Part 2).” An exhibit description submission in EDMS would appear as follows:

Exhibit #	Exhibit Description
Def. Ex. A	Photo of red car

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017; August 27, 2019, effective January 1, 2020]

16.412(3) Exhibits offered at a hearing or a trial that were not submitted as proposed exhibits. When offered or admitted at hearing or trial, an exhibit that can reasonably be maintained electronically, but that was not previously submitted as a proposed exhibit, will remain nonelectronic unless the court orders otherwise. Upon an appeal in the case, the clerk of court will electronically file the exhibit.

16.412(4) Index of nonelectronic exhibits. When a party offers one or more exhibits that will be maintained nonelectronically under rule 16.412(1)(b), the party must electronically file an index of the exhibits. The index should list and briefly describe the nonelectronic exhibits.

16.412(5) Exhibits to pleadings. Under rule 16.311(1), evidentiary material that is submitted with or attached to a motion or other pleading must be filed as an attachment and should not be submitted as a proposed exhibit.

16.412(6) Submission of proposed exhibits in small claim, simple misdemeanor, traffic, and municipal infraction cases. Proposed exhibits may be but are not required to be submitted electronically in small claim, simple misdemeanor, traffic, and municipal infraction cases. The submitting party must redact proposed exhibits, whether electronic or nonelectronic, pursuant to division VI of this chapter prior to submitting the proposed exhibits. Upon initiation of an appeal in the case types included in this rule, the clerk of court will convert exhibits admitted in nonelectronic form to an electronic form when possible.

16.412(7) Submission of video and audio exhibits.

a. Video exhibits. Video exhibits must be submitted in the following format: .avi, .flv, .mpeg, .mp4, .wms, or .mov; or the video exhibit must be submitted with a player application that allows the exhibit to be viewed. Video exhibits cannot be electronically filed but may be submitted to the court on a media storage device such as a CD, DVD, or flash drive. The media storage device must contain only the exhibit or exhibits and any required player application and no other files or applications. Upon initiation of an appeal, the clerk of court will provide any video exhibits to the appellate court.

b. Audio exhibits. Audio exhibits must be submitted in the following format: .wav, .mp3, or .wma; or the audio exhibit must be submitted with a player application that allows the exhibit to be heard. Audio exhibits cannot be electronically filed but may be submitted to the court on a media storage device such as a CD, DVD, or flash drive. The media storage device must contain only the exhibit or exhibits and any required player application and no other files or applications. Upon initiation of an appeal, the clerk of court will provide any audio exhibits to the appellate court.

c. Video and audio exhibits in an appeal to district court. Transcribed portions of a video or audio exhibit may be included in documents filed in an appeal to the district court, provided the transcribed material was properly admitted in the underlying court case. The parties must not embed or include actual audio or video in any documents filed in an appeal to the district court.

16.412(8) Submission of potentially dangerous exhibits. All potentially dangerous exhibits, including but not limited to weapons such as knives and guns; toxic substances such as narcotics; biohazardous material and bodily fluids such as bloody clothing; and sharps such as hypodermic needles, razors, and syringes; must be submitted to the court or district court clerk’s office in a container that protects persons who handle the exhibits from being harmed by them. Specifically, toxic substances and biohazardous material must be placed in clear heavy-duty plastic bags or other types of transparent nonbreakable containers and other types of potentially dangerous exhibits must be placed in rigid puncture-resistant containers. All containers must be completely closed and

display a label identifying the contents of the container and indicating the appropriate hazardous warnings such as “contains bodily fluids” or “contains toxic substances.”

16.412(9) *Disposition of scanned exhibits.* Exhibits for which the clerk of court is responsible for scanning will be disposed of according to the requirements of the Iowa Rules of Civil Procedure and Iowa Rules of Criminal Procedure.

16.412(10) *Mistrial.* In the event of mistrial, the parties, the court, and the clerk of court must comply with all of the following:

a. Digital admission of exhibits and filing of exhibit maintenance order. Within 7 days of the conclusion of the trial, the court must digitally admit all exhibits admitted into evidence during the trial and enter an exhibit maintenance order that states which proposed exhibits were offered and which were admitted into evidence. If no party files an objection to the exhibit maintenance order within 10 business days after the order’s filing, the clerk of court may delete proposed exhibits that are not listed in the order.

b. Index of nonelectronic exhibits. When a party offers one or more exhibits that will be maintained nonelectronically under rule 16.412(1)(b), the party must within 10 business days after the offer electronically file an index of the exhibits. The index must list and briefly describe the nonelectronic exhibits.

c. Clerk of court to retain custody of exhibits. The clerk of court will retain custody of all exhibits offered or admitted during the trial, whether the exhibits are maintained electronically or nonelectronically.

d. Release of nonelectronic exhibits for use during retrial. Nonelectronic exhibits offered or admitted during the trial may not be released for use in a retrial except upon order of the court. The order must identify each nonelectronic exhibit to be released by number or letter and by a brief description, and the order shall specify to whose custody the exhibit is released.

e. Nonelectronic exhibits not offered or admitted during retrial. For nonelectronic exhibits released pursuant to this rule that are not offered or admitted during the retrial, the party to whom the exhibits were released must immediately return the exhibits to the clerk of court.

16.412(11) *Criminal codefendant’s trial.* In the event nonelectronic exhibits are offered or admitted during a trial and then are needed for use in a codefendant’s trial, the parties, the court, and the clerk of court must comply with the following provisions:

a. Clerk of court to retain custody of exhibits. The clerk of court will retain custody of all exhibits offered or admitted during the first defendant’s trial, whether the exhibits are maintained electronically or nonelectronically.

b. Release of nonelectronic exhibits for use during codefendant’s trial. Nonelectronic exhibits offered or admitted during the first defendant’s trial may not be released for use in a codefendant’s trial except upon order of the court. The order must identify each nonelectronic exhibit to be released by number or letter and by a brief description, and the order must specify to whose custody the exhibits are released.

c. Nonelectronic exhibits not offered or admitted during codefendant trial. For nonelectronic exhibits released pursuant to this rule that are not offered or admitted during the codefendant’s trial, the party to whom the exhibits were released must immediately return the exhibits to the clerk of court.

16.412(12) *New trial.* If nonelectronic exhibits are offered or admitted during trial, and the district or appellate court has ordered a new trial, the parties and the court must comply with the following provisions:

a. Clerk of court to retain custody of exhibits. The clerk of court will retain custody of all exhibits offered or admitted during the prior trial, whether the exhibits are maintained electronically or nonelectronically.

b. Release of nonelectronic exhibits for use during new trial. Nonelectronic exhibits offered or admitted during the prior trial may not be released for use in the new trial except upon order of the court. The order must identify each nonelectronic exhibit to be released by number or letter and by a brief description, and the order must specify to whose custody the exhibits are released.

c. Nonelectronic exhibits not offered or admitted during new trial. If any nonelectronic exhibits released pursuant to this rule are not offered or admitted during the new trial, the party to whom the exhibits were released must immediately return the exhibits to the clerk of court.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017; August 27, 2019, effective January 1, 2020; December 16, 2019, effective January 1, 2020; April 12, 2021; October 11, 2021, effective November 1, 2021; September 19, 2022, effective October 3, 2022]

Rules 16.413 to 16.500 Reserved.

DIVISION V
PUBLIC ACCESS

Rule 16.501 General rule. All filings in the Iowa court system are public unless system restricted or filed with restricted access. Electronic filing does not affect public access to court files.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

COMMENT:

Rule 16.501. Electronic filing does not affect which documents or court files the public may access or which documents or files are deemed confidential. Any member of the general public may view a nonconfidential file or document from public access terminals located at the courthouse in which the case is pending. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.502 Access to electronic court files.

16.502(1) Registered filers.

a. Attorneys licensed to practice law in Iowa. Registered attorneys licensed to practice law in Iowa have remote access to all public documents in public court files except in juvenile delinquency cases prior to the child's being adjudicated delinquent. Registered attorneys who are licensed to practice law in Iowa have limited access to birth dates and names of children, which are normally considered protected information under rule 16.602, in public court files. Access to the birth dates and names of children in cases in which an attorney has not entered an appearance is limited to confirmation of the information the attorney supplies regarding the birth date or child's name in a particular case.

b. Attorneys admitted pro hac vice. Registered attorneys admitted pro hac vice have remote access only to the documents filed in the cases in which the attorneys are admitted pro hac vice.

c. Self-represented litigants and parties to a case. Registered self-litigants and parties to a case who have obtained a login and password have remote access only to documents filed in the cases in which they are a party.

16.502(2) Abstractors. Abstractors have remote access to all public documents in public court files. *See* rule 16.304(1)(d). Abstractors have limited access in public court files to birth dates and names of children, which are normally considered protected information under rule 16.602. Access to birth dates and names of children is limited to confirmation of information that the abstractor supplies regarding the birth date or child's name in a particular case.

16.502(3) Specialized nonparty filers. Specialized nonparty filers, *see* rule 16.304(1)(b), may file documents in cases in which they are not a party, but specialized nonparty filers do not have remote access to electronic court files.

16.502(4) Members of the general public.

a. Members of the general public may view electronic documents in public cases at public access terminals in the county courthouse in which the case is pending.

b. To view electronic documents in public cases on appeal to the Iowa Supreme Court, members of the general public may use a public access terminal located in the Judicial Branch Building in Des Moines, Iowa, or a public access terminal located in the county courthouse in which the underlying case originated.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.503 Public access terminals. The Iowa Judicial Branch will maintain at least one public access terminal in each county courthouse and in the Judicial Branch Building.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.504 Bulk distribution. The Iowa Judicial Branch may fulfill requests for copies or reproductions of public electronic documents or records filed in more than a single electronic case if fulfilling such requests will not impair or interrupt the regular operation and efficiency of EDMS and complies with administrative directives or approvals from the state court administrator.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

COMMENT:

Rule 16.504. Such state court administrator directives or approvals may take into consideration the system, staffing, and equipment

capacity of EDMS. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rules 16.505 to 16.600 Reserved.

DIVISION VI

PERSONAL PRIVACY PROTECTION

Rule 16.601 Responsibility to redact or mask protected or confidential information.

16.601(1) *Responsibility of filers generally.*

a. It is the responsibility of the filer to ensure that protected information is omitted or redacted from documents before the documents are filed. This responsibility exists even when the filer did not create the document.

b. The clerk of court will not review filings to determine whether appropriate omissions or redactions have been made. The clerk will not, on the clerk's own initiative, redact or restrict access to documents containing protected information.

c. A filer waives the protections of the rules in division VI of this chapter as to the filer's own information by filing the information without redaction.

16.601(2) *Transcripts.*

a. When a transcript is filed that contains protected information, the court reporter must also file a notice of transcript redaction along with a redacted version of the transcript in accordance with administrative directives from the state court administrator.

b. The parties to the action are also responsible for ensuring the appropriate information in the transcript is redacted. After the court reporter has filed a notice of transcript redaction, each party must within 21 days from the date of the filing of the notice of transcript redaction review the designated material and, if necessary, request additional designation of protected information or note where information was improperly redacted. To stipulate to additional redactions or corrected redactions, the parties must file the Stipulation Re: Transcript Redaction form found in the electronic filing section of the Iowa Judicial Branch website.

c. The court will resolve any disagreement on the designation of protected information.

d. The redacted transcript will not be available to the public until all requests for additional designation or claims of improper redaction are resolved.

e. A party's failure to file a response within 21 days from the date the notice of transcript redaction is filed is deemed the party's agreement that the transcript is properly redacted.

16.601(3) *Exhibits.*

a. Electronically submitted exhibits. If protected information must be included in an exhibit pursuant to rules 16.603(2) and 16.603(4), the submitting party must redact the proposed exhibit.

b. Nonelectronic exhibits offered at hearing or trial. If protected information is included in a nonelectronic exhibit that was offered at a hearing or trial, the offering party must inform the court of the inclusion of protected information and request that the exhibit be treated as a confidential document. Within 14 days of offering the nonelectronic exhibit identified as containing protected information, the offering party must electronically file a redacted copy of the exhibit that will be available to the public.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

COMMENT:

Rule 16.601. The redaction rules in division VI apply to all documents filed electronically as well as to filings submitted to the court in paper on electronic cases, such as exhibits that are offered in paper at a hearing or trial or filings an excused filer submits in paper for the clerk of court to scan. The personal privacy protection rules, 16.601 through 16.609, assist in protecting certain identifying information from widespread dissemination and possible misuse. To provide greater protection, parties should not put this information in documents filed with the court unless it is required by law or is material to the proceedings. If the information is required by law or material to the proceedings, parties should carefully follow the redaction rules in division VI. Disclosure of protected information in orders and other court-generated documents that require enforcement or action by someone outside the court falls under rule 16.603(4). [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.602 Protected information. Protected information includes the following:

1. Social security numbers.
2. Financial account numbers.
3. Dates of birth.
4. Names of minor children.

5. Individual taxpayer identification numbers.
6. Personal identification numbers.
7. Other unique identifying numbers.
8. Confidential information as defined in rule 16.201.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.603 Omission and redaction requirements.

16.603(1) *Protected information that is not required by law or is not material to the proceedings.* A filer may omit protected information from documents filed with the court when the information is not required by law or is not material to the proceedings.

16.603(2) *Protected information that is required by law or is material to the proceedings.* When protected information is required by law to be included or is material to the proceedings, a filer may record the protected information on a separate protected information form. *See* rule 16.606. The filer must ensure that the protected information is redacted from any other document before filing the document with the court. *See* rule 16.605 (manner in which to redact protected information).

16.603(3) *Restricted access documents.* Parties are not required to redact protected information from documents that are confidential by statute, rule, or court order. Redaction is required, however, for materials that are initially confidential but which later become public, such as documents in dissolution proceedings.

16.603(4) *Disclosure allowed.* A filer may disclose protected information only when that information is an essential or required part of the document or the court file. Disclosure of protected information must be as narrow as reasonably practicable.

a. All orders and other court-generated documents containing protected information that require enforcement or action by someone outside the court fall under rule 16.603(4).

b. Judicial officers may include protected information in a nonpublic court order to obtain required enforcement or action with a redacted public version of that order.

COMMENT:

Rule 16.603(4)(a). Such documents include, but are not limited to, the following: writs of execution that require a full financial account number; juvenile transportation orders and placement orders containing a child's full name and identifying information; letters of appointment with full names of minors in guardianship and conservatorship cases; qualified domestic relation orders; protective orders and other orders containing full names of juveniles; and applications, orders, and resulting arrest warrants, juvenile summons, and writs of mittimus containing a defendant's full name, date of birth, and social security number. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.603(5) *Full disclosure of the names of minor children.* The name of a minor child may be case information that is an essential or material part of the court record. *See* rule 16.801(2)(a) (regarding use of the full name of minors in juvenile delinquency cases).

COMMENT:

Rule 16.603(5). Examples of when the name of a minor child is essential to the court record include: the name of a minor child who is the ward in a guardianship or conservatorship case or who is the subject of a civil name change petition; or the name of a minor child who is a criminal defendant, defendant on a traffic citation or municipal infraction, or defendant in a domestic abuse or elder abuse case or other such case. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.603(6) *Redaction in cases after disposition.* A party must apply to the court to file a redaction of a document in a case in which judgment is final. The application must state the reasons for and manner of redaction. When the court has approved the application, the filer must electronically file the redaction.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.604 Information that may be redacted. A filer may redact the following information from documents available to the public unless the information is required by law or is material to the proceedings:

1. Driver's license numbers.
2. Information concerning medical treatment or diagnosis.
3. Employment history.
4. Personal financial information.
5. Proprietary or trade secret information.
6. Information concerning a person's cooperation with the government.
7. Information concerning crime victims.

8. Sensitive security information.

9. Home addresses.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.605 Manner in which to redact protected information.

16.605(1) *Documents created for filing with the court.* When protected information that is required by law or that is material to the proceedings must be included in a document that a filer is creating specifically for filing with the court, when reasonably practicable only a portion of the protected information should be used.

COMMENT:

Rule 16.605(1). Examples of portions of protected information include: if a Social Security number must be included in a document, only the last digit of that number is used; if financial account numbers are relevant, only incomplete numbers are recited in the document; if a person's date of birth is necessary, only the year is used; if a minor child's name must be mentioned, only the child's initials are used.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

16.605(2) *Original documents that are required to be filed with the court.*

a. When an original document contains protected information that is required by law or is material to the proceedings as specified in rule 16.602, the filer must redact that information.

b. The unredacted version of the original document must be filed if such filing is required by law or the redacted information may be material to the proceeding.

c. If an original document has multiple pages that contain entirely protected information, a single page may be submitted in the public version of the document.

d. If a paper document contains protected information, the filer is responsible for making the same redactions on paper before filing the document that are required for electronic filings in rule 16.605. For original documents that have not been created by the filer, the filer must deliver both a redacted version and the original version of the document to the clerk of court unless rule 16.605(2)(c) applies.

COMMENT:

Rule 16.605(2)(a) and (b). If the unredacted version must be filed, the filer must scan in and file the unredacted version. The filer then must scan and file the redacted version, selecting "Redaction" as the document type on the electronic cover sheet. The filer must then relate the redaction to the original document. EDMS will file the unredacted version as restricted access and the redacted version as the public version of the document. For example, when filing an original birth certificate into a change of name case, the filer makes a copy of the birth certificate, using a permanent marker to black out the date of birth on the copy. The filer then scans and files the original birth certificate as an exhibit or attachment, then scans and files the redacted copy as a redaction. Only the redacted copy will be available to the public. A filer should not rely on software to redact protected information as the information may in fact be retrievable. Documents redacted in this way may be alterable and the protected information revealed. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.606 Protected information form.

16.606(1) *Protected information form required.* When a filer is required to include protected information in a filed document, the filer may file a protected information form. The electronic filing section of the Iowa Judicial Branch website provides the form. The protected information form must contain the protected information in its entirety as well as the redacted version of the information used in the filed document. All references in the case to the redacted information included in the protected information form will be construed to refer to the corresponding complete protected information. The protected information form is not available to the public but is available to case parties.

16.606(2) *Supplementing protected information form.* When new information is needed to supplement the record or if information already contained in the protected information form needs to be updated or corrected, the parties must file an updated protected information form including all previously disclosed protected information plus any additions, changes, or corrections.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.607 Orders and other court-generated documents. All orders and other court-generated documents will follow the omission and redaction requirements in rule 16.603. Orders and other court-generated documents will use the redacted version of the protected information found in the protected information form that the parties file. *See* rule 16.606. Orders and other court-generated

documents containing protected information that require enforcement or action by someone outside the court are governed by rule 16.603(4).

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.608 Improperly included protected information.

16.608(1) A party may apply to the court to redact improperly included protected information from a filed document or court file and may request an immediate order to temporarily restrict access to the document or court file pending notice and opportunity to be heard by all parties.

16.608(2) If, after all parties have been provided an opportunity to be heard, the court finds protected information was improperly included in a filed document, the court may restrict access to the document and may order a properly redacted document to be filed.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.609 Sanctions. If a filer incorrectly files documents containing unredacted protected information, the court, upon its own motion or upon the motion of any party, may impose sanctions. A sanction imposed under this rule must be limited to that which will deter repetition of the conduct or comparable conduct by others. The sanction may include nonmonetary directives or an order to pay a penalty into court. If a party is required to file a motion to address a violation of division VI of this chapter, the court may award to the moving party reasonable attorney's fees and other expenses directly resulting from the violation.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rules 16.610 to 16.700 Reserved.

**DIVISION VII
CRIMINAL CASES**

Rule 16.701 Criminal cases generally.

16.701(1) *EDMS in criminal cases.* All criminal cases will be opened using EDMS.

16.701(2) *Applicability of other chapter 16 rules to criminal cases.* The rules in divisions I through VI of the Iowa Rules of Electronic Procedure, including rules on the protection of personal privacy, apply in criminal cases except as stated in this division.

16.701(3) *Self-represented criminal defendants.* A self-represented criminal defendant is not required to register but may choose to register for electronic filing. If a person excused from electronic filing chooses to register, the person waives the exception and is governed by these rules in the same manner as any registered filer. A person who subsequently desires to be excused must apply for and receive an exception pursuant to these rules.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.702 Warrants and other similar applications. When made during regular court hours, applications for search warrants, applications for arrest warrants, and other similar applications may be electronically presented to the court. Applications made when the courthouse is closed may be electronically presented to the court in the same manner as proposed orders are presented pursuant to rule 16.409. If the applicant or the court does not have immediate access to such technology, the application must be presented to the court in paper form and later scanned into EDMS.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.703 Documents initiating criminal cases.

16.703(1) *Trial informations and indictments.*

a. Trial informations. Trial informations must be electronically presented to the court for approval. If the court approves the trial information, the information is electronically file stamped and filed. If the court refuses to approve the trial information, the prosecuting attorney is electronically notified.

b. Indictments. Indictments containing a nonelectronic signature of a foreperson of a grand jury must be scanned before being electronically filed in EDMS.

16.703(2) *Complaints, traffic tickets, and similar citations.* Complaints, traffic tickets, or similar citations containing the electronic signature of an arresting officer or other person must be transmitted to EDMS in such a manner as to legibly reproduce an unaltered image of the required signature or display a realistic image of the signature.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.704 Signatures of criminal defendants. When a criminal defendant's signature is required on a document, the signature may be placed on the document in the following ways.

16.704(1) *Nonelectronic signature.* A criminal defendant may sign a document nonelectronically, and the document must be scanned for electronic filing.

16.704(2) *Computer tablet signature.* A criminal defendant may electronically sign a document using a computer tablet or similar technology.

16.704(3) *Login and password.* A criminal defendant who is a registered filer may sign the document using the defendant's login and password accompanied by a digitized or electronic signature. *See* rule 16.705 (documents requiring oaths, affirmations, or verifications).

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.705 Documents requiring oaths, affirmations, or verifications. Any document requiring a signature to be made under oath or affirmation or with verification may be signed either nonelectronically and scanned into EDMS or may be signed with a digitized signature.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

COMMENT:

Rule 16.705. Uniform citations and complaints are examples of documents under rule 16.705. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.706 Copies of documents for self-represented defendants. The court will provide self-represented criminal defendants who have not registered for electronic filing paper copies of all documents submitted to the court or filed by the court.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.707 Written plea agreements. Written plea agreements may be electronically presented to the court but need not be filed prior to a plea proceeding. If the plea is accepted, the electronically presented plea agreement is filed.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rules 16.708 to 16.800 Reserved.

**DIVISION VIII
JUVENILE CASES**

Rule 16.801 Juvenile cases generally.

16.801(1) *EDMS in juvenile cases.* All juvenile cases, with the exception of waivers of parental notification, will be opened using EDMS.

16.801(2) *Applicability of other chapter 16 rules to juvenile cases.* The rules in divisions I through VI of the Iowa Rules of Electronic Procedure, including rules on the protection of personal privacy, apply in all juvenile cases except as stated in this division.

a. Exception to protected information rule 16.602 for the name of a minor child. The name of a minor child who is the subject of a petition or complaint alleging delinquency will not be disclosed and is considered protected information unless exempted under Iowa Code section 232.147.

b. Exception for nonregistered self-represented parents, guardians, or legal custodians. Nonregistered self-represented parents, guardians, or legal custodians of a minor child in a juvenile case are excused from registration and electronic filing.
[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017; September 19, 2022, effective October 3, 2022]

Rule 16.802 Emergency applications. When made during regular court hours, applications for emergency orders may be electronically presented to the court. Applications made when the courthouse is closed may be electronically presented to the court in the same manner as proposed orders are presented pursuant to rule 16.409. If the applicant or the court does not have immediate access to such technology, the application may be presented to the court in paper form and later scanned into EDMS.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

COMMENT:

Rule 16.802. Examples of emergency applications include applications for placement in shelter care, placement in detention, requests for emergency medical care, and removal from parental custody. [Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.803 Signatures. When the signature of a parent, guardian, custodian, child as defined in the Iowa Code, or adult within the jurisdiction of the juvenile court is required on a document, the signature may be placed on the document in one of the following ways:

16.803(1) Nonelectronic signature. The person may sign a document nonelectronically and the document must be scanned for electronic filing.

16.803(2) Computer tablet signature. The person may electronically sign a document using a computer tablet or similar technology.

16.803(3) Login and password. If the person is a registered filer, the person may sign the document using the person's login and password, accompanied by a digitized or electronic signature. See rule 16.804 (documents requiring oaths, affirmations, or verifications).

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.804 Documents requiring oaths, affirmations, or verifications. Any document requiring a signature to be made under oath or affirmation or with verification may be signed either nonelectronically and scanned into the electronic document management system or may be signed with a digitized signature.

[Court Order November 21, 2016, temporarily effective November 21, 2016, permanently effective February 1, 2017]

Rule 16.805 Filing of social records and social reports. A filer electronically filing a social record, as defined by Iowa Code section 232.2(31), or a social report, as defined by Iowa Code section 232.2(54), must choose an accurate document type corresponding to the type of document being filed from the options listed on the electronic cover sheet.

[Court Order September 19, 2022, effective October 3, 2022]

COMMENT:

Rule 16.805. The EDMS document type should correspond to the type of document being filed. For example, a social report, permanency reports, or predisposition report should be filed as such. If there is no corresponding document type, a filer should select "SOCIAL RECORD OTHER" and enter a description of the filing in the "Additional Text" field.

Example of how to file a social report:

Document Category	* JUVENILE COMMON FILINGS	▼
Document Type *	SOCIAL INVESTIGATION REPORT	▼

[Court Order September 19, 2022, effective October 3, 2022]

Rules 16.806 to 16.900 Reserved.

CHAPTER 31

ADMISSION TO THE BAR

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CHAPTER 31

ADMISSION TO THE BAR

Rule 31.1 Board of law examiners.

31.1(1) *Composition.*

a. The board of law examiners consists of five persons admitted to practice law in this state and two persons not admitted to practice law in this state. Members are appointed by the supreme court. A member admitted to practice law must be actively engaged in the practice of law in this state.

b. Appointments are for three-year terms that commence on July 1 of the year in which the appointment is made. Vacancies must be filled for the unexpired term by supreme court appointment. Members may serve no more than three terms or nine years, whichever is less.

c. Members must sign a written oath to faithfully and impartially discharge the duties of the office and must file the oath in the office of professional regulation. They will be compensated for their services in accordance with the provisions of Iowa Code section 602.10106.

d. The supreme court may appoint temporary examiners to assist the board, who will receive their actual and necessary expenses to be paid from funds appropriated to the board.

e. Members of the board of law examiners and the temporary examiners will be paid a per diem in an amount the supreme court sets for each day spent in conducting or grading the examinations of the applicants for admission to the bar and in performing administrative and character and fitness investigation duties. They will also be reimbursed for additional expenses necessarily incurred in the performance of such duties.

f. The executive director of the office of professional regulation will designate a director of admissions of the office of professional regulation to serve as the principal administrator for the board of law examiners. Wherever in this chapter a reference to the “director” appears, it will refer to the director of admissions of the office of professional regulation.

g. The executive director of the office of professional regulation must, at least 60 days prior to the start of each fiscal year, submit to the court for consideration and approval a budget covering the board’s operations for the upcoming fiscal year. Approval of the budget by the court authorizes payment as provided in the budget. A separate bank account designated as the admissions operating account must be maintained for payment of authorized expenditures as provided in the approved budget. Fees or other funds received or collected as directed in this chapter or in accordance with an approved interagency agreement must be deposited in the admissions operating account for payment of the board’s authorized expenditures.

h. Claims against members of the board and the executive director, directors, and the staff of the office of professional regulation are subject to the Iowa Tort Claims Act set forth in Iowa Code chapter 669.

i. The board of law examiners and its members, employees, and agents; temporary law examiners; and the executive director, directors, and the staff of the office of professional regulation are immune from all civil liability for damages for conduct, communications, and omissions occurring in the performance of and within the scope of their official duties relating to the examination, character and fitness qualification, and licensing of persons seeking to be admitted to the practice of law.

j. Records, statements of opinion, and other information regarding an applicant for admission to the bar communicated by any entity, including any person, firm, or institution, without malice, to the board of law examiners, its members, employees, or agents, or to the executive director, director, and the staff of the office of professional regulation are privileged, and civil suits for damages predicated thereon may not be instituted.

31.1(2) *Duties.*

a. The board may adopt rules to govern the method of conducting the bar examination. Such rules must be consistent with these rules and are subject to supreme court approval.

b. The authority to pass on the sufficiency of applications for permission to take the bar examination is vested in the board of law examiners, subject to supreme court review.

c. The members of the board authorized to grade examinations will make the final decision on passage or failure of each applicant, subject to the rules of the supreme court. The board must also recommend to the supreme court for admission to practice law in this state all applicants who pass the bar examination and the Multistate Professional Responsibility Examination, and who meet the requisite character and fitness requirements. The board, in its discretion, may permit an applicant to take the bar examination prior to finally approving that person as to character and fitness. It

may impose specific conditions for admission based on its evaluation of character and fitness and must withhold recommendation of admission until those conditions are satisfied. An applicant who passes the bar examination must satisfy such character and fitness conditions and any other conditions imposed by the board within one year of the date of the applicant's passage of the examination. This period may be extended by the board upon the applicant's showing of good cause. If any conditions imposed are not satisfied within the applicable period of time, the applicant's passage of the examination is null and void and the applicant must retake the bar examination in order to gain admission. The supreme court will make the final determination as to those persons who are admitted to practice in this state.

d. An applicant who has passed the examination and is eligible for admission must be administered the lawyer's oath or affirmation within one year of the date the bar examination score was posted or the date of fulfilling all eligibility requirements, whichever is later. An applicant who fails to be administered the oath within this deadline will no longer be eligible for admission and the applicant's passage of the examination will be null and void. This deadline may only be extended by the board upon a showing of exceptional circumstances.

e. An applicant who has passed the examination and is eligible for admission must appear for admission by oath or affirmation before an Iowa Supreme Court justice, unless the supreme court orders otherwise based upon the applicant's satisfactory showing of exceptional circumstances.

f. An applicant may file a petition seeking permission to file a written lawyer's oath or affirmation. The petition must set forth in detail the exceptional circumstances that render the applicant unable to appear for admission before an Iowa Supreme Court justice. If the supreme court grants the petition, the office of professional regulation will forward all documents required for executing the oath or affirmation to the applicant. The supreme court will deem the applicant admitted to the Iowa bar on the date the completed documents are filed with the office of professional regulation.

[Court Order July 2, 1975; September 20, 1976; April 17, 1990, effective June 1, 1990; January 17, 1995, effective March 1, 1995; June 5, 1996, effective July 1, 1996; November 9, 2001, effective February 15, 2002; February 14, 2008, effective April 1, 2008; June 5, 2008, effective July 1, 2008; February 20, 2012; December 10, 2012; November 20, 2015, effective January 1, 2016; December 13, 2017, effective January 1, 2018; September 14, 2021, effective October 1, 2021; March 11, 2022, effective April 1, 2022]

Rule 31.2 Registration by law students.

31.2(1) The law student registration requirement is removed. Applicants who have a law student registration on file with the board under the prior version of this rule on or before January 15, 2021, and who wish to apply to take the bar examination must still make application under rule 31.5 and must pay a fee equivalent to the fee specified in rule 31.6(3).

31.2(2) Registration as a law student under this rule is not deemed an application for permission to take the bar examination.

[Court Order July 2, 1975; September 20, 1976; December 16, 1983—received for publication May 30, 1984; February 16, 1990, effective March 15, 1990; April 16, 1992, effective July 1, 1992; March 26, 1993, effective July 1, 1993; December 2, 1993; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 112); November 9, 2001, effective February 15, 2002; June 5, 2008, effective July 1, 2008; April 9, 2009; December 10, 2012; August 21, 2013; April 25, 2014; September 14, 2017, effective November 2, 2017; December 13, 2017, effective January 1, 2018; October 24, 2019, effective January 1, 2020; December 18, 2020, effective January 1, 2021]

Rule 31.3 Required examinations.

31.3(1) *Iowa bar examination.* The provisions of this rule apply to the dates and content of the Iowa bar examination beginning with the February 2016, examination administration.

a. Written examinations for admission to the bar will be held in Polk County, Iowa, commencing with a mandatory orientation session on the Monday preceding the last Wednesday in February and on the Monday preceding the last Wednesday in July.

b. The Iowa bar examination will be the Uniform Bar Examination (UBE) prepared and coordinated by the National Conference of Bar Examiners (NCBE). The UBE is given and graded according to standards agreed upon by all UBE jurisdictions and consists of three components: the Multistate Essay Examination (MEE), the Multistate Bar Examination (MBE), and the Multistate Performance Test (MPT). Applicants must take all three components in the same examination administration to earn a UBE score that is transferable to other UBE jurisdictions. The three-hour MEE component consists of six essay questions, the three-hour MPT component consists of

two performance tests, and the MBE component consists of two three-hour sessions of 100 multiple-choice questions each. The schedule may vary for applicants who are granted testing accommodations. Transferred or banked MBE scores are no longer accepted.

c. The MEE portion of the examination consists of questions from subjects the NCBE designates. Some MEE questions may include issues from more than one area of law. Subject matter outlines for the MEE are available on the NCBE website.

d. Applicants must achieve a combined, scaled score of 266 or above to pass the examination. The bar examination results require a vote of at least four members of the board of law examiners admitted to practice law in Iowa.

31.3(2) *Multistate Professional Responsibility Examination.*

a. Each applicant for admission by examination must earn a scaled score of at least 80 on the Multistate Professional Responsibility Examination (MPRE) administered by the NCBE. The applicant's MPRE score must be on file with the board no later than April 1 preceding the July examination or November 1 preceding the February examination.

b. It is the responsibility of the applicant to ensure that a score report from the NCBE is sent to the board by the date indicated above. An applicant who cannot meet the deadline for posting a passing MPRE score must file a petition asking for permission to post a passing score after the deadline. The petition must state why the score could not be timely posted and indicate when the applicant will take the MPRE. A petition to post the score prior to the bar examination may be addressed by the board, but a petition to post a score after the bar examination must be addressed by the supreme court.

[Court Order July 2, 1975; September 17, 1984; October 23, 1985, effective November 1, 1985; January 3, 1996; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 101); July 26, 1996; September 12, 1996; October 3, 1997; July 11, 2000; November 9, 2001, effective February 15, 2002; August 28, 2006; June 5, 2008, effective July 1, 2008; September 17, 2008; December 10, 2012; December 16, 2014; October 15, 2015; December 13, 2017, effective January 1, 2018; September 19, 2022, effective October 1, 2022]

Rule 31.4 Admission by transferred UBE score.

31.4(1) *UBE score transferability.* An applicant who has earned a UBE score in another jurisdiction may transfer the UBE score and file an application for admission by transferred UBE score at any time on or after December 1, 2015, provided:

a. The transferred UBE score is NCBE-certified and is a combined, scaled score of 266 or above.

b. The application includes a nonrefundable administrative fee of \$900. The applicant must pay the applicable fee charged by any electronic application vendor.

c. The applicant causes the NCBE to transfer the UBE score no later than three months after the application is filed.

d. The applicant has received an LL.B. or a J.D. degree from a reputable law school fully or provisionally approved by the American Bar Association at the time the applicant graduated. Proof of this requirement will be by affidavit of the law school's dean on the board's dean's affidavit form. The affidavit must be made before an officer authorized to administer oaths and having a seal.

e. The applicant has earned a scaled score of at least 80 on the MPRE administered by the NCBE.

f. The applicant has not been denied admission or permission to sit for a bar examination by any jurisdiction on character and fitness grounds.

31.4(2) *Time limits for transferring a UBE score.* A UBE score can be transferred to Iowa subject to the following time limits:

a. Any applicant may transfer a qualifying UBE score without a showing of prior legal practice if the score was from a UBE administered within two years immediately preceding the transfer application filing date.

b. An attorney applicant may transfer a qualifying UBE score up to five years after the examination was taken upon proof that the applicant regularly engaged in the practice of law for at least two years of the last three years immediately preceding the transfer application filing date. For the purposes of this rule, "regularly engaged in the practice of law" means the applicant has practiced law for at least 1000 hours per year. The board may require the applicant to provide a certificate of regular practice required for motion applicants under Iowa Court Rule 31.13(1)(b) that addresses the period of practice this rule requires.

31.4(3) *Character and fitness investigation.*

a. The board will investigate the moral character and fitness of any applicant for admission by transferred UBE score and may procure the services of any bar association, agency, organization, or individual qualified to make a moral character or fitness report on the applicant. The board may

require that an applicant obtain, at applicant's expense, an investigative report from the NCBE if, in the board's judgment, the application reveals substantial questions regarding the applicant's character or fitness to practice law. Any applicant obtaining an NCBE investigative report must pay the NCBE required fee in addition to the administrative fee. The board's decision to require an NCBE report is not subject to review.

b. The board may impose specific character and fitness or other conditions for admission on the applicant and will withhold recommendation of admission until those conditions are satisfied.

31.4(4) *Time for satisfying admission requirements.* Applicants for admission by transferred UBE score must satisfy all requirements for admission to the bar of this state within one year after the date of written notification to the applicant that the transfer application has been granted or of the conditions the board has imposed. The one-year period may be extended by the board upon the applicant's showing of good cause. The supreme court will make the final determination as to those persons who will be admitted to the practice in this state.

31.4(5) *Only certified UBE scores will be accepted.* The board will not accept transferred scores unless they are certified as UBE scores by the NCBE and will not address petitions to treat a noncertified score as a UBE score.

31.4(6) *Oath or affirmation before Iowa Supreme Court; exceptions.*

a. An applicant who is granted admission by transferred UBE score must appear for admission by oath or affirmation before an Iowa Supreme Court justice, unless the supreme court orders otherwise based upon the applicant's satisfactory showing of exceptional circumstances.

b. An applicant may file a petition seeking permission to file a written lawyer's oath or affirmation. The petition must set forth in detail the exceptional circumstances that render the applicant unable to appear for admission before an Iowa Supreme Court justice.

c. If the supreme court grants the petition, the office of professional regulation will forward all documents required for executing the oath or affirmation to the applicant. The supreme court will deem the applicant to be admitted to the Iowa bar on the date the completed documents are filed with the office of professional regulation.

d. Within one year after the supreme court grants the petition, the applicant must take the lawyer's oath or affirmation from an Iowa Supreme Court justice or file the written oath or affirmation. If the applicant's oath or affirmation is not completed within one year, the supreme court will deem the application to be denied.

31.4(7) *Stale applications.* An application for admission by transferred UBE score that the board has not granted will be deemed administratively withdrawn one year from the date the application was filed with the office of professional regulation, except when the board has imposed specific character and fitness or other conditions for admission on the applicant under rule 31.4(3).

a. Before the one-year withdrawal date, an applicant may request an extension. If the board finds that administrative withdrawal of the application would work a hardship on the applicant and that sufficient cause exists, the board may extend the application beyond the one-year withdrawal date for a period of time not exceeding an additional six months.

b. The board's denial of an application to extend the withdrawal date is subject to supreme court review upon the applicant's request.

[Court Order June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 102); November 9, 2001, effective February 15, 2002; June 5, 2008, effective July 1, 2008; September 17, 2008; October 15, 2015; September 14, 2017, effective November 2, 2017; December 13, 2017, effective January 1, 2018; November 16, 2018, effective December 15, 2018; October 24, 2019, effective January 1, 2020; December 18, 2020, effective January 1, 2021; March 11, 2022, effective April 1, 2022]

Rule 31.5 Bar examination application; contents and deadlines.

31.5(1) The board of law examiners and the director will designate such forms as may be necessary for application for examination. The application must require the applicant to demonstrate the applicant is a person of honesty, integrity, and trustworthiness, and one who appreciates and will adhere to the Iowa Rules of Professional Conduct as adopted by the supreme court, together with such other information as the board and the director determine to be necessary and proper.

31.5(2) Every applicant for admission to the bar must make application, under oath, and upon a form designated by the director. The applicant must file the application with the director no later than April 1 preceding the July examination or November 1 preceding the February examination. An applicant who fails the Iowa bar examination and wants to take the next examination must file a new application within the above deadlines or within 30 days of the date the applicant's score is posted in

the office of professional regulation, whichever is later. There will be no waiver of these deadlines. If any changes occur after the application is filed that affect the applicant's answers, the applicant must amend the application. A new and complete application must be filed for each examination for admission.

31.5(3) The board may designate portions of the data submitted for this purpose by the applicant or third parties as a confidential record. The board and the director must segregate that portion of the application data deemed confidential from the portion that is filed as a public record. In the event of a request for a hearing on character or fitness under rule 31.9(2) following an initial determination by the board, it may designate any additional information received at the hearing and all proceedings before the board as a confidential record.

[Court Order October 14, 1968; July 2, 1975; November 21, 1977; March 20, 1987, effective June 1, 1987; February 16, 1990, effective March 15, 1990; March 26, 1993, effective July 1, 1993; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 103); November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005; June 20, 2007, effective July 1, 2007; June 5, 2008, effective July 1, 2008; September 17, 2008; December 10, 2012; December 13, 2017, effective January 1, 2018; October 24, 2019, effective January 1, 2020; December 18, 2020, effective January 1, 2021; September 14, 2021, effective October 1, 2021]

Rule 31.6 Fee.

31.6(1) *Payment of application fee.* Every applicant for admission to the bar upon examination must, as a part of the application, pay to the Iowa board of law examiners an application fee. This fee is not refundable and cannot be applied to a subsequent application. The full fee must be paid within the deadline for filing the bar application under rule 31.5(2). The applicant must pay the applicable fee charged by any electronic application vendor.

31.6(2) *First Iowa bar exam application.* The fee is \$800 for every applicant submitting his or her first application to take the Iowa bar examination.

31.6(3) *Subsequent Iowa bar exam applications.* The following fees are applicable for those submitting a second or subsequent application to take the Iowa bar examination. For applicants not previously admitted to practice law in any other state, the District of Columbia, or a territory of the United States, the fee is \$550. For applicants previously admitted to practice law in another state, the District of Columbia, or a territory of the United States, the fee is \$800.

[Court Order July 2, 1975; December 16, 1983—received for publication May 30, 1984; April 16, 1992, effective July 1, 1992; March 26, 1993, effective July 1, 1993; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 113); October 11, 2001; November 9, 2001, effective February 15, 2002; August 21, 2013; October 15, 2015; September 14, 2017, effective November 2, 2017; October 24, 2019, effective January 1, 2020; December 18, 2020, effective January 1, 2021]

Rule 31.7 Affidavit of intent to practice.

31.7(1) All applicants for the Iowa bar examination must demonstrate a bona fide intention to practice law in Iowa or another UBE jurisdiction. This showing must be by affidavit made before an officer authorized to administer oaths and having a seal.

31.7(2) The affidavit must include the applicant's designation of the clerk of the supreme court as the applicant's agent for service of process in Iowa for all purposes.

[Court Order July 2, 1975; November 21, 1977; October 28, 1982; December 30, 1983; April 25, 1985; March 23, 1994, effective July 1, 1994; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 105); November 9, 2001, effective February 15, 2002; October 15, 2015]

Rule 31.8 Degree requirement.

31.8(1) No person will be permitted to take the examination for admission without proof that the person has received the degree of LL.B. or J.D. from a reputable law school fully or provisionally approved by the American Bar Association at the time the applicant graduated from the school. Proof of this requirement must be by affidavit of the dean of such law school, and must show that the applicant has actually and in good faith pursued the study of law resulting in the degree required by this rule. The affidavit must be made before an officer authorized to administer oaths and having a seal.

31.8(2) If an applicant is a student in such a law school and expects to receive the degree of LL.B. or J.D. within 45 days from the first day of the July or February examination, the applicant may be permitted to take the examination upon the filing of an affidavit by the dean of said school stating that the dean expects the applicant to receive such a degree within this time. No certificate of admission

or license to practice law can be issued until the applicant has received the required degree. If the applicant fails to obtain the degree within the 45-day period, the results of the applicant's examination will be null and void.

[Court Order July 15, 1963; February 9, 1967; December 30, 1971; February 15, 1973; July 2, 1975; November 21, 1977; June 13, 1983; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 106); May 2, 1997; November 9, 2001, effective February 15, 2002; December 13, 2017, effective January 1, 2018; October 24, 2019, effective January 1, 2020]

Rule 31.9 Moral character and fitness.

31.9(1) The Iowa board of law examiners may make an investigation of the moral character and fitness of any applicant and may procure the services of any bar association, agency, organization, or individual qualified to make a moral character or fitness report. The Iowa board of law examiners will, subject to supreme court review, determine whether or not the applicant is of good moral character and fitness. In making its determination, the board may consider the applicant's candor in the application process and in any interactions with the board or its staff.

31.9(2) *Denial of permission to take bar examination; denial of recommendation for admission.* When the board of law examiners determines that any person who registers or makes application should not be permitted to take a bar examination, or that an applicant who has passed a bar examination should not be recommended for admission to practice law in Iowa, the board must notify the applicant in writing of its determination.

a. The notice must provide that the applicant is entitled to a hearing to challenge the determination upon filing a written request for hearing with the director within 10 days after service of the notice.

b. The director must serve the notice on the applicant by mail to the address shown on the applicant's application.

c. If no request for hearing is filed, the board's determination will be final and not subject to review.

d. If a request for hearing is filed, the chair of the board must appoint an attorney member of the board to act as a hearing officer. The hearing officer must promptly set a hearing, and the director must notify the applicant by mail at least 10 days before the hearing date of the time and place of hearing.

e. Not less than 10 days before the hearing date, the board must furnish the applicant with copies of all documents and summaries of all other information the board relied on in making its determination.

f. The clerk of court in the county where the hearing is held has authority to issue any necessary subpoenas for the hearing.

g. At the hearing, the applicant has the right to appear in person and by counsel. The board may be represented by the attorney general of the State of Iowa or a duly appointed assistant attorney general. The hearing must be reported. The hearing officer may take judicial notice of the information the board considered in the case and may consider such additional evidence and arguments as may be presented at the hearing. At the hearing, the board may first present any additional evidence or information that it deems necessary to the proceeding. Thereafter the applicant may present evidence. The attorney for the board may offer rebuttal evidence at the discretion of the hearing officer. In presiding at the hearing, the hearing officer will have the power and authority administrative hearing officers possess generally.

h. Within 30 days after completion of the hearing, the hearing officer must provide the board with a hearing transcript, exhibits, and findings of fact and conclusions of law. Based on this information, the board will prepare and file its final determination with the director. The director must, by mail, promptly notify the applicant of the board's final determination.

31.9(3) *Supreme court review.* Any applicant aggrieved by a final determination of the board made pursuant to rule 31.9(2) may file a petition requesting review of the determination in the supreme court within 20 days of the mailing of notice of final determination. The petition must be accompanied by a \$150 fee. If no such petition is filed within the 20-day period, the board's determination is not subject to review. A petition for review must state all claims of error and reasons for challenging the board's determination. The board must transmit to the supreme court its files and the complete record in the case. Unless the court orders otherwise, the petition is deemed submitted for the court's review on the record previously made. After consideration of the record, the court may enter its order sustaining or denying the petition. The order of the court will be conclusive. No subsequent application for admission by a person denied under rule 31.9(2) will be considered by the board unless authorized by the court upon the applicant's motion accompanied by a prima facie showing of a substantial change of circumstances.

31.9(4) *Costs of review.* In the event an applicant or person who is registered petitions for review under rule 31.9(3) and is unsuccessful, the costs of the review will be taxed against the unsuccessful applicant and judgment therefor may be entered in the district court of that person's county of residence, if an Iowa resident, or in the district court for Polk County if a nonresident.

31.9(5) *Failure to comply with support order.* The supreme court may refuse to issue a license to practice law to an applicant for admission to the bar by examination or on motion who fails to comply with a support order.

a. Procedure. The Child Support Recovery Unit (CSRU) may file any certificate of noncompliance that involves an applicant with the office of professional regulation. The procedure, including notice to the applicant, will be governed by Iowa Court Rule 34.20(1), except that the notice must refer to a refusal to issue a license to practice law to the applicant instead of a suspension of the attorney's license.

b. District court hearing. Upon receipt of an application for hearing from the applicant, the clerk of district court must schedule a hearing to be held within 30 days of the date of filing of the application. All matters pertaining to the hearing will be governed by Iowa Court Rule 34.20(2).

c. Noncompliance certificate withdrawn. If a withdrawal of a certificate of noncompliance is filed, the supreme court will curtail any proceedings pursuant to the certificate of noncompliance or, if necessary, may immediately take such steps as are necessary to issue a license to the applicant if the applicant is otherwise eligible under rules of the supreme court.

d. Sharing information. Notwithstanding the provisions of any other rule or statute concerning the confidentiality of records, the office of professional regulation is authorized to share information with the CSRU for the sole purpose of allowing the CSRU to identify applicants subject to enforcement under Iowa Code chapter 252J or 598.

31.9(6) The supreme court may refuse to issue a license to practice law to an applicant for admission to the bar by examination or on motion who defaults on an obligation owed to or collected by the Iowa College Student Aid Commission.

a. Procedure. The Iowa College Student Aid Commission may file any certificate of noncompliance that involves an applicant with the office of professional regulation. The procedure, including notice to the applicant, will be governed by Iowa Court Rule 34.21(1), except that the notice must refer to a refusal to issue a license to practice law to the applicant instead of a suspension of the attorney's license.

b. District court hearing. Upon receipt of an application for hearing from the applicant, the clerk of district court must schedule a hearing to be held within 30 days of the date of filing of the application. All matters pertaining to the hearing will be governed by Iowa Court Rule 34.21(2).

c. Noncompliance certificate withdrawn. If a withdrawal of certificate of noncompliance is filed, the supreme court may curtail any proceedings pursuant to the certificate of noncompliance or, if necessary, may immediately take such steps as are necessary to issue a license to the applicant if the applicant is otherwise eligible under rules of the court.

d. Sharing information. Notwithstanding the provisions of any other rule or statute concerning the confidentiality of records, the office of professional regulation is authorized to share information with the aid commission for the sole purpose of allowing the aid commission to identify attorneys subject to enforcement under Iowa Code chapter 261.

31.9(7) The supreme court may refuse to issue a license to practice law to an applicant for admission to the bar by examination or on motion who defaults on an obligation owed to or collected by the Central Collection Unit of the Iowa Department of Revenue (CCU).

a. Procedure. The CCU may file any certificate of noncompliance that involves an applicant with the office of professional regulation. The procedure, including notice to the applicant, will be governed by Iowa Court Rule 34.22(1), except that the notice must refer to a refusal to issue a license to practice law to the applicant instead of a suspension of the attorney's license.

b. District court hearing. Upon receipt of an application for hearing from the applicant, the clerk of the district court must schedule a hearing to be held within 30 days of the date of filing of the application. All matters pertaining to the hearing will be governed by Iowa Court Rule 34.22(2).

c. Noncompliance certificate withdrawn. If a withdrawal of a certificate of noncompliance is filed, the supreme court may curtail any proceedings pursuant to the certificate of noncompliance or, if necessary, may immediately take such steps as are necessary to issue a license to the applicant if the applicant is otherwise eligible under rules of the supreme court.

d. Sharing information. Notwithstanding the provisions of any other rule or statute concerning the confidentiality of records, the office of professional regulation is authorized to share information with the CCU for the sole purpose of allowing the CCU to identify applicants subject to enforcement under Iowa Code chapter 272D.

[Court Order July 2, 1975; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 104); December 20, 1996; November 25, 1998; November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005; June 5, 2008, effective July 1, 2008; February 20, 2012; December 10, 2012; December 13, 2017, effective January 1, 2018; September 14, 2021, effective October 1, 2021; September 19, 2022, effective October 1, 2022]

Rule 31.10 Preservation of anonymity. Each applicant permitted to take the bar examination will be randomly assigned a number prior to the examination, by which number the applicant will be known throughout the examination and grading process.

[Court Order July 2, 1975; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 107); November 9, 2001, effective February 15, 2002; June 5, 2008, effective July 1, 2008; December 13, 2017, effective January 1, 2018; October 24, 2019, effective January 1, 2020]

Rule 31.11 Supreme court review.

31.11(1) Extraordinary circumstances. An unsuccessful applicant whose combined, scaled score on the bar examination is at least 260, but less than 266, may file a petition in the supreme court requesting review of the board's determination. However, the board's decision regarding an applicant's score is final and will not be reviewed by the court absent extraordinary circumstances. "Extraordinary circumstances" would include issues such as the board's refusal to correct a clear mathematical error, but would not include a claim that the board erred in the grade assigned to a particular answer.

31.11(2) Petition for review. The petition must be filed with the clerk of the supreme court and served upon the board. The petition must be filed within 20 days of the date the applicant's score is posted in the office of professional regulation and must be accompanied by a \$150 fee. The petition must identify in detail the extraordinary circumstances requiring supreme court review of the board's determination. If a petition is not filed within the 20-day period, the board's determination is not subject to review.

31.11(3) Supreme court order. Upon request of the court, the board will transmit to the supreme court the complete record in the case. All documents submitted for the court's review, other than the applicant's petition, are confidential. Unless the court orders otherwise, the court will review the petition on the record previously made. After consideration of the record, the court will enter its order sustaining or denying the petition. The order of the court is conclusive.

[Court Order July 2, 1975; September 20, 1976; April 25, 1985; March 31, 1986, effective May 1, 1986; April 17, 1990, effective June 1, 1990; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 117.1) July 19, 1999; November 9, 2001, effective February 15, 2002; June 20, 2007, effective July 1, 2007; June 5, 2008, effective July 1, 2008; February 20, 2012; July 13, 2012; October 15, 2015; November 16, 2018, effective December 15, 2018]

Rule 31.12 Admission of attorneys from other jurisdictions; requirements and fees.

31.12(1) An applicant who meets the requirements of this rule and rule 31.13 may, in the discretion of the court, be admitted to the practice of law in this state without examination.

31.12(2) The applicant must file the application with the National Conference of Bar Examiners through its online character and fitness application process unless an exception is granted by the office of professional regulation. The applicant must pay a nonrefundable administrative fee of \$900 to the office of professional regulation at the time of filing the application. The character investigation services of the National Conference of Bar Examiners must be procured in all cases where application for admission on motion is made. The applicant must pay the investigative fee required by the National Conference of Bar Examiners at the time of filing the application.

31.12(3) The application and supporting documents must contain specific facts and details as opposed to conclusions and must demonstrate the following:

a. The applicant has been admitted to the bar of any other state of the United States, the District of Columbia, or a territory of the United States; has regularly engaged in the practice of law for at least five of the last seven years immediately preceding the date of the application; and still holds a

license. For the purposes of this rule, “regularly engaged in the practice of law” means the applicant has practiced law for at least 1000 hours in that year.

b. The applicant is a person of honesty, integrity, and trustworthiness, and one who will adhere to the Iowa Rules of Professional Conduct. In evaluating this factor the court may consider any findings filed with the office of professional regulation by the Commission on the Unauthorized Practice of Law pursuant to Iowa Court Rule 37.3.

c. The applicant is not currently subject to lawyer discipline in any other jurisdiction.

31.12(4) The applicant must provide such information as the court deems necessary and proper in connection with the application. If any changes occur that affect the applicant’s answers, the applicant must immediately amend the application.

31.12(5) The applicant must designate the supreme court clerk for service of process.

31.12(6) For purposes of this rule, the practice of law includes the following activities:

a. Representation of one or more clients in the practice of law.

b. Service as a lawyer with a local, state, or federal agency.

c. The teaching of law as a full-time instructor in a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association in this state or some other state.

d. The discharge of actual legal duties as a member of one of the armed services of the United States, if certified as the practice of law by the judge advocate general of such service.

e. Service as a judge in a federal, state, or local court of record.

f. Service as a judicial law clerk.

g. Service as corporate counsel.

h. Service as an employee or officer of any business, but only if such service would ordinarily constitute the practice of law and was performed in a jurisdiction in which the applicant has been admitted to practice.

31.12(7) For purposes of this rule, the practice of law does not include work that, as undertaken, constituted the unauthorized practice of law in the jurisdiction in which it was performed or in the jurisdiction in which the clients receiving the unauthorized services were located.

31.12(8) The following applicants are not eligible for admission on motion:

a. An applicant who has failed a bar examination administered in this state within five years of the date of filing of the application under this rule.

b. An applicant who has failed five or more bar examinations.

c. An applicant whose Iowa license is in exempt or inactive status under the provisions of Iowa Court Rule 39.7 or 41.7.

d. An applicant who has been disbarred and not reinstated or whose license is currently suspended in any other jurisdiction.

31.12(9) An application for admission without examination that has not been granted will be deemed administratively withdrawn one year from the date the application was filed with the office of professional regulation. Before the one-year withdrawal date, an applicant may request an extension. If the court finds that administrative withdrawal of the application would work a hardship on the applicant and that sufficient cause exists, the court may extend the application beyond the one-year withdrawal date for a period of time not exceeding an additional six months.

[Court Order July 2, 1975; September 20, 1976; February 12, 1981; Note September 30, 1981; Court Order December 17, 1982; December 30, 1983; April 23, 1985; November 8, 1985; March 31, 1986, effective May 1, 1986; November 21, 1991, effective January 2, 1992; November 30, 1994, effective January 3, 1995; January 17, 1995, effective March 1, 1995; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 114); May 2, 1997; October 11, 2001; November 9, 2001, effective February 15, 2002; February 22, 2002; April 20, 2005, effective July 1, 2005; August 6, 2007; February 14, 2008, effective April 1, 2008; October 15, 2008; August 10, 2009; January 19, 2010; July 13, 2012; December 10, 2012; August 21, 2013; September 14, 2017, effective November 2, 2017; December 13, 2017, effective January 1, 2018; November 16, 2018, effective December 15, 2018; October 24, 2019, effective January 1, 2020]

Rule 31.13 Proofs of qualifications; oath or affirmation.

31.13(1) Required certificates. To qualify for admission under rule 31.12, an applicant must file the following with the office of professional regulation:

a. A certificate of admission in the applicant’s state of licensure.

b. A certificate from one or more of the following individuals establishing that the applicant was regularly engaged in the practice of law in the applicant’s state or states of licensure for at least

five of the last seven years immediately preceding the date of the application: a clerk or judge of a court of record, a judge advocate general, or an administrative law judge. If, due to the nature of the applicant's practice, the applicant cannot obtain a certificate from a clerk, judge, judge advocate general, or an administrative law judge, the applicant must file a petition seeking leave to file an alternative certificate demonstrating good cause why the certificate cannot be obtained. If the supreme court grants the petition, the applicant must file an affidavit detailing the nature, dates, and locations of the applicant's practice, along with an affidavit of a supervising attorney or another lawyer attesting to the applicant's practice over that period.

31.13(2) Oath or affirmation.

a. An applicant whose application for admission without examination is granted must appear for admission before a supreme court justice, unless the supreme court orders otherwise based upon a satisfactory showing of exceptional circumstances.

b. An applicant may file a petition seeking permission to file a written lawyer's oath or affirmation. The petition must set forth in detail the exceptional circumstances that render the applicant unable to appear for admission before an Iowa Supreme Court justice.

c. If the supreme court grants the petition, the office of professional regulation will forward all required documents to the applicant. The supreme court will deem the applicant to be admitted to the Iowa bar on the date the completed documents are filed with the office of professional regulation.

d. Within six months after the date the application for admission on motion is granted, the applicant must take the lawyer's oath or affirmation from an Iowa Supreme Court justice or file the written oath or affirmation. If the applicant's oath or affirmation is not completed within six months, the supreme court will deem the application to be denied.

[Court Order July 2, 1975; December 30, 1982; December 30, 1983; April 23, 1985; November 8, 1985; January 17, 1995, effective March 1, 1995; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 115); November 9, 2001, effective February 15, 2002; May 31, 2006; October 31, 2006; February 14, 2008, effective April 1, 2008; October 15, 2008; January 19, 2010; December 10, 2012; October 15, 2015; December 13, 2017, effective January 1, 2018; November 16, 2018, effective December 15, 2018; October 24, 2019, effective January 1, 2020; September 14, 2021, effective October 1, 2021; March 11, 2022, effective April 1, 2022]

Rule 31.14 Admission pro hac vice before Iowa courts and administrative agencies.

31.14(1) Definitions.

a. An "out-of-state" lawyer is a person who:

(1) Is not admitted to practice law in this state but who is admitted in another state or territory of the United States or of the District of Columbia, or is licensed to practice as a foreign legal consultant in any state or territory of the United States or of the District of Columbia.

(2) Is not disbarred or suspended from practice in any jurisdiction.

b. An out-of-state lawyer is "eligible" for admission pro hac vice if any of the following conditions are satisfied:

(1) The lawyer lawfully practices solely on behalf of the lawyer's employer and its commonly owned organizational affiliates, regardless of where such lawyer may reside or work.

(2) The lawyer neither resides nor is regularly employed at an office in this state.

(3) The lawyer resides in this state but (i) lawfully practices from offices in one or more other states and (ii) practices no more than temporarily in this state, whether pursuant to admission pro hac vice or in other lawful ways.

c. An "in-state" lawyer is a person admitted to practice law in this state and is not disbarred or suspended from practice in this state.

d. A "client" is a person or entity for whom the out-of-state lawyer has rendered services or by whom the lawyer has been retained prior to the lawyer's performance of services in this state.

e. "This state" refers to Iowa. This rule does not govern proceedings before a federal court or federal agency located in this state unless that body adopts or incorporates this rule.

31.14(2) Authority of court or agency to permit appearance by out-of-state lawyer.

a. *Court proceeding.* A court of this state may, in its discretion, admit an eligible out-of-state lawyer, who is retained to appear as attorney of record in a particular proceeding, only if the out-of-state lawyer appears with an in-state lawyer in that proceeding.

b. *Administrative agency proceeding.* Regardless of whether practice before an agency is limited to lawyers, an out-of-state lawyer must apply for admission pro hac vice to appear as attorney of record in an agency proceeding. The agency may, using the same standards and procedures as a

court, admit an eligible out-of-state lawyer who has been retained to appear in a particular agency proceeding as counsel in that proceeding pro hac vice, only if the out-of-state lawyer appears with an in-state lawyer in that proceeding.

c. Subsequent proceedings. Admission pro hac vice is limited to the particular court or agency proceeding for which admission was granted. An out-of-state lawyer must separately seek admission pro hac vice in any subsequent district or appellate court proceeding.

31.14(3) In-state lawyer's duties. When an out-of-state lawyer appears for a client in a proceeding pending in this state, either in the role of co-counsel of record with the in-state lawyer, or in an advisory or consultative role, the in-state lawyer who is co-counsel or counsel of record for that client in the proceeding remains responsible to the client and responsible for the conduct of the proceeding before the court or agency. It is the duty of the in-state lawyer to do all of the following:

- a. Appear of record together with the out-of-state lawyer in the proceeding.
- b. Actively participate in the proceeding. See Iowa R. of Prof'l Conduct 32:5.5(c)(1).
- c. Accept service on behalf of the out-of-state lawyer as required by Iowa Code section 602.10111.
- d. Advise the client of the in-state lawyer's independent judgment on contemplated actions in the proceeding if that judgment differs from that of the out-of-state lawyer.

31.14(4) Application procedure. An eligible out-of-state lawyer seeking to appear in a proceeding pending in this state as counsel pro hac vice must file a verified application with the court or agency where the litigation is filed. The out-of-state lawyer must serve the application on all parties who have appeared in the proceeding, and must include proof of service. Application forms for admission pro hac vice can be found in rule 31.25.

31.14(5) Required information for application. An application filed by the out-of-state lawyer must contain all of the following information:

- a. The out-of-state lawyer's residence and business addresses.
- b. The name, address, and phone number of each client sought to be represented.
- c. The courts before which the out-of-state lawyer has been admitted to practice and the respective period of admission and any jurisdiction in which the out-of-state lawyer has been licensed to practice as a foreign legal consultant and the respective period of licensure.
- d. Whether the out-of-state lawyer has been denied admission pro hac vice in this state. If so, specify the caption of the proceedings, the date of the denial, and what findings were made.
- e. Whether the out-of-state lawyer has had admission pro hac vice revoked in this state. If so, specify the caption of the proceedings, the date of the revocation, and what findings were made.
- f. Whether the out-of-state lawyer has been denied admission in any jurisdiction for reasons other than failure of a bar examination. If so, specify the jurisdiction, caption of the proceedings, the date of the denial, and what findings were made.
- g. Whether the out-of-state lawyer has been formally disciplined or sanctioned by any court in this state. If so, specify the nature of the allegations, the name of the authority bringing such proceedings, the caption of the proceedings, the date filed, what findings were made, and what action was taken in connection with those proceedings.
- h. Whether the out-of-state lawyer has been the subject of any injunction, cease-and-desist letter, or other action arising from a finding that the out-of-state lawyer engaged in the unauthorized practice of law in this state or elsewhere. If so, specify the nature of the allegations, the name of the authority bringing such proceedings, the caption of the proceedings, the date filed, what findings were made, and what action was taken in connection with those proceedings.
- i. Whether any formal, written disciplinary proceeding has been brought against the out-of-state lawyer by a disciplinary authority or unauthorized practice of law commission in any other jurisdiction within the last five years, and as to each such proceeding: the nature of the allegations, the name of the person or authority bringing such proceedings, the date the proceedings were initiated and finally concluded, the style of the proceedings, and the findings made and actions taken in connection with those proceedings.
- j. Whether the out-of-state lawyer has been placed on probation by a disciplinary authority in any other jurisdiction. If so, specify the jurisdiction, caption of the proceedings, the terms of the probation, and what findings were made.
- k. Whether the out-of-state lawyer has been held formally in contempt or otherwise sanctioned by any court in a written order in the last five years for disobedience to its rules or orders, and, if so: the nature of the allegations, the name of the court before which such proceedings were conducted, the date of the contempt order or sanction, the caption of the proceedings, and the substance of the

court's rulings. A copy of the written order or transcript of the oral rulings must be attached to the application.

l. The name and address of each court or agency and a full identification of each proceeding in which the out-of-state lawyer has filed an application to appear pro hac vice in this state within the preceding two years, the date of each application, and the outcome of the application.

m. An averment as to the out-of-state lawyer's familiarity with the rules of professional conduct, the disciplinary procedures of this state, the standards for professional conduct, the applicable local rules, and the procedures of the court or agency before which the out-of-state lawyer seeks to practice.

n. The name, address, telephone number, and personal identification number of an in-state lawyer in good standing of the bar of this state who will sponsor the out-of-state lawyer's pro hac vice request.

o. An acknowledgement that service upon the in-state lawyer in all matters connected with the proceedings has the same effect as if personally made upon the out-of-state lawyer.

p. If the out-of-state lawyer has appeared pro hac vice in this state in five proceedings within the preceding two years, the application must contain a statement showing good cause why the out-of-state attorney should be admitted in the present proceeding.

q. Any other information the out-of-state lawyer deems necessary to support the application for admission pro hac vice.

r. A statement that the out-of-state lawyer has registered with the office of professional regulation and paid the fee as required by rule 31.14(11).

31.14(6) *Objection to application.* A party to the proceeding may file an objection to the application or seek the court's or agency's imposition of conditions to its being granted. The objecting party must file with its objection a verified affidavit containing or describing information establishing a factual basis for the objection. The objecting party may seek denial of the application or modification of it. If the application has already been granted, the objecting party may move that the pro hac vice admission be revoked.

31.14(7) *Standard for admission.* The courts and agencies of this state have discretion as to whether to grant applications for admission pro hac vice. If there is no opposition, the court or agency has the discretion to grant or deny the application summarily. An application ordinarily should be granted unless the court or agency finds one of the following:

a. The admission of the out-of-state attorney pro hac vice may be detrimental to the prompt, fair, and efficient administration of justice.

b. The admission of the out-of-state attorney pro hac vice may be detrimental to legitimate interests of parties to the proceedings other than a client the out-of-state lawyer proposes to represent.

c. One or more of the clients the out-of-state lawyer proposes to represent may be at risk of receiving inadequate representation and cannot adequately appreciate that risk.

d. The out-of-state lawyer has appeared pro hac vice in this state in five proceedings within the preceding two years, unless the out-of-state lawyer can show good cause exists for admission.

31.14(8) *Revocation of admission.* Admission to appear as counsel pro hac vice in a proceeding may be revoked for any of the reasons listed in rule 31.14(7).

31.14(9) *Discipline, contempt, and sanction authority over the out-of-state lawyer.*

a. During the pendency of an application for admission pro hac vice and upon the granting of such application, an out-of-state lawyer submits to the authority of the courts of this state, the agencies of this state, and the Iowa Supreme Court Attorney Disciplinary Board for all conduct relating in any way to the proceeding in which the out-of-state lawyer seeks to appear. The out-of-state lawyer submits to these authorities for all of the lawyer's conduct (i) within the state while the proceeding is pending or (ii) arising out of or relating to the application or the proceeding. An out-of-state lawyer who has pro hac vice authority for a proceeding may be disciplined in the same manner as an in-state lawyer. *See* Iowa R. Prof'l Conduct 32:8.5.

b. The authority to which an out-of-state lawyer submits includes, but is not limited to, the enforcement of the rules of professional conduct, the rules of procedure of the Iowa Supreme Court Attorney Disciplinary Board, contempt and sanction procedures, applicable local rules, and court, agency, and board policies and procedures.

c. An out-of-state lawyer who appears before a court of this state or before an agency of this state when practice is limited to lawyers and who does not obtain admission pro hac vice is engaged in the unauthorized practice of law. *See* Iowa R. Prof'l Conduct 32:5.5 cmt. 9. If an out-of-state lawyer reasonably expects to be admitted pro hac vice, the lawyer may provide legal services that are in or

reasonably related to a pending or potential proceeding before a court or agency in this state. *See* Iowa R. Prof'l Conduct 32:5.5(c)(2).

31.14(10) *Familiarity with rules.* An out-of-state lawyer must become familiar with the rules of professional conduct, the rules of procedure of the Iowa Supreme Court Attorney Disciplinary Board, the standards for professional conduct, local court or agency rules, and the policies and procedures of the court or agency before which the out-of-state lawyer seeks to practice.

31.14(11) *Periodic fee.* An applicant for admission to appear pro hac vice in any Iowa Court or before any Iowa agency must first register with the office of professional regulation and pay a fee of \$250 to the client security trust fund. The office of professional regulation may prescribe an electronic format for the registration and require submission of the registration and payment in that form.

a. Registration and payment of the fee required by this rule qualify the out-of-state lawyer to file applications for admission pro hac vice in any Iowa court or before any Iowa agency for a period of five years commencing with the date of registration. Upon expiration of the five-year period, the out-of-state lawyer becomes ineligible to file an application for admission pro hac vice in any Iowa court or before any Iowa agency without first registering and paying another fee as required by this rule.

b. An out-of-state lawyer admitted pro hac vice after registration and payment of the fee as required by this rule who later is fully admitted to the bar of Iowa must pay initial, special, and regular assessments to the client security trust fund as required by Iowa Court Rule 39.6.

[Court Order July 2, 1975; June 22, 1976; December 2, 1993; June 5, 1996, effective July 1, 1996; (Prior to July 1, 1996, Court Rule 116); April 1, 1999; November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005; September 27, 2006; March 15, 2007; June 3, 2009; February 19, 2016, effective January 1, 2017; December 13, 2017, effective January 1, 2018; November 16, 2018, effective December 15, 2018]

Rule 31.15 Permitted practice by law students and recent graduates.

31.15(1) Law students enrolled in a reputable law school as defined by rule 31.8 and Iowa Code section 602.10102 and certified to the office of professional regulation by the dean of the school to have completed satisfactorily not less than the equivalent of three semesters of the work required by the school to qualify for the J.D. or LL.B. degree, may, under the following conditions, engage in the practice of law or appear as counsel in the trial or appellate courts of this state:

a. Appearance by students as defense counsel in a criminal matter in any trial court must be confined to misdemeanors, and the student must be under the direct supervision of licensed Iowa counsel who must be personally present.

b. Appearance by students in matters before the Iowa Supreme Court or the Iowa Court of Appeals must be under the direct supervision of licensed Iowa counsel who must be personally present. A student presenting an oral argument before the supreme court or the court of appeals must file with the clerk of the supreme court an appearance with proof of compliance with rule 31.15(1). The appearance must be filed no less than seven days prior to the argument and must be served upon all counsel of record and parties not represented by counsel.

c. Appearance or assistance by students in other matters must be under the general supervision of licensed Iowa counsel, but such counsel need not be personally present in court unless required by order of the court.

31.15(2) Students who the dean of a reputable law school certifies have completed not less than the equivalent of two semesters of work required to qualify for the J.D. or LL.B. degree may appear in a representative capacity in a contested case proceeding before an administrative agency.

a. Appearance by students who have completed only two semesters of work must be under the direct supervision of licensed Iowa counsel who must be personally present.

b. Students who have completed at least three semesters may appear in a representative capacity in a contested case proceeding before an administrative agency under the general supervision of licensed Iowa counsel, but such counsel need not be personally present unless required by order of the tribunal.

31.15(3) Except as allowed by rule 31.15(4), students may not engage in the practice of law or appear as counsel in any court of this state or before an administrative agency unless such practice or appearance is part of an educational program approved by the faculty of the students' law school and not disapproved by the Iowa Supreme Court, and such program is supervised by at least one member of the law school's faculty. Students may continue to practice before courts or administrative agencies of this state after completion of an educational program so long as the placement is substantially the

same as it was during the educational program, approved by the law school, and performed with the supervision required under rules 31.15(1) and 31.15(2).

31.15(4) Law students may assist licensed Iowa counsel to the same extent as a non-attorney without being part of an educational program or being certified to the office of professional regulation, but the students must be under the general supervision of licensed Iowa counsel who need not be personally present. Law students may not appear in representative capacities in contested case proceedings before administrative agencies without complying with rules 31.15(2) and 31.15(3), or before trial or appellate courts without complying with rule 31.15(1).

31.15(5) Law students must not receive compensation other than general compensation from an employer-attorney or from a law-school-administered fund.

31.15(6) Graduates of reputable law schools who have applied to take the Iowa bar examination are authorized to perform all activities described in this rule on behalf of the public defender's office, the attorney general's office, county attorney offices, or approved legal aid organizations under the following conditions:

a. Supervision of graduates must be the same as supervision of law students under rules 31.15(1) and 31.15(2), but graduates do not need to meet the requirements of rule 31.15(3).

b. Graduates may perform under this rule beginning with the receipt of a law school dean's certification of graduation and terminating either upon the withdrawal or denial of their application to take the Iowa bar examination, their failure of the next administration of the Iowa bar examination, or upon the date of the admissions ceremony for those who pass that examination.

c. Graduates may practice up to 25 hours per week from receipt of a J.D. or LL.B. degree until the administration of the next Iowa bar examination.

d. Graduates are not limited in hours of practice under this rule from administration of the bar examination until the date the bar examination results are posted for those who fail or the date of the admissions ceremony for those who pass.

e. Graduates who have failed any state bar examination in the past are not eligible to practice under this provision.

f. The supervising organizations listed in rule 31.15(6) must file a certificate with the office of professional regulation listing the starting dates for all graduates practicing under rule 31.15(6) and must file a second certificate indicating when the practice under this rule has terminated.

31.15(7) For purposes of this rule, an "approved legal aid organization" includes a program sponsored by a bar association, law school, or a not-for-profit legal aid organization, approved by the Iowa Supreme Court, whose primary purpose is to provide legal representation to low-income persons in Iowa.

a. A legal aid organization seeking approval from the court for the purposes of this rule must file a petition with the office of professional regulation certifying that it is a not-for-profit organization and reciting with specificity the following:

(1) The structure of the organization and whether it accepts funds from its clients.

(2) The major sources of funds the organization uses.

(3) The criteria used to determine potential clients' eligibility for legal services the organization performs.

(4) The types of legal and nonlegal services the organization performs.

(5) The names of all members of the Iowa bar who are employed by the organization or who regularly perform legal work for the organization.

(6) The existence and extent of malpractice insurance that will cover the law student or graduate.

b. An organization designated as an approved legal aid organization under the provisions of rule 31.19(2)(c) is an approved legal aid organization for purposes of this rule.

31.15(8) A law student or law graduate practicing under this rule must be identified by the title "Law Student" or "Law Graduate" in any filing made in the courts of this state.

[Court Order April 4, 1967; May 15, 1972; January 14, 1974; April 8, 1975 [withdrawn]; April 9, 1975; April 8, 1980; April 28, 1987; June 5, 1996, effective July 1, 1996 (Prior to July 1, 1996, Court Rule 120); January 9, 1998, effective February 2, 1998; November 9, 2001, effective February 15, 2002; June 4, 2008, effective July 1, 2008; March 21, 2014; November 20, 2015, effective January 1, 2016; November 18, 2016, effective March 1, 2017; December 13, 2017, effective January 1, 2018]

Rule 31.16 Registration of house counsel.

31.16(1) *Who must register.* A lawyer who is not admitted to practice law in Iowa, but who is admitted to practice law in another United States jurisdiction or is a foreign lawyer, and who has a

continuous presence in this jurisdiction and is employed as a lawyer by an organization as permitted pursuant to rule 32:5.5(d)(1) of the Iowa Rules of Professional Conduct, the business of which is lawful and consists of activities other than the practice of law or the provision of legal services, must register as house counsel within 90 days of the commencement of employment as a lawyer or, if currently so employed, then within 90 days of the effective date of this rule. For purposes of rule 31.16:

a. “United States jurisdiction” includes the District of Columbia and any state, territory, or commonwealth of the United States.

b. A “domestic lawyer” is a lawyer admitted to practice law in the District of Columbia or in any state, territory, or commonwealth of the United States.

c. A “foreign jurisdiction” is any jurisdiction that is not a United States jurisdiction.

d. A “foreign lawyer” is a member in good standing of a recognized legal profession in a foreign jurisdiction, the members of which are admitted to practice as lawyers or counselors at law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or a public authority.

31.16(2) Procedure for registering. The lawyer must submit to the office of professional regulation the following:

a. If a domestic lawyer, a completed application in the form the office of professional regulation prescribes.

b. If a foreign lawyer, a foreign-licensed attorney application with the National Conference of Bar Examiners through its online character and fitness application process. The applicant must pay the investigative fee that the National Conference of Bar Examiners requires at the time of filing the application.

c. A nonrefundable application fee in the amount of \$800 payable to the Iowa board of law examiners.

d. Documents proving admission to practice law, current active status, and current good standing in all jurisdictions, United States and foreign, in which the lawyer is admitted to practice law.

e. A certificate from the disciplinary authority of each jurisdiction of admission, United States and foreign, stating that the lawyer has not been suspended, disbarred, or disciplined and that no charges of professional misconduct are pending; or a certificate that identifies any suspensions, disbarments, or other disciplinary sanctions that have been imposed upon the lawyer, and any pending charges, complaints, or grievances.

f. If the jurisdiction is foreign and the documents are not in English, the lawyer must submit an English translation and satisfactory proof of the accuracy of the translation.

g. An affidavit from an officer, director, or general counsel of the employing entity attesting as follows:

(1) The entity will be employing the lawyer.

(2) To the best of its knowledge the lawyer has been lawfully admitted to practice and is a lawyer in good standing in another United States or foreign jurisdiction.

(3) To the best of its knowledge the lawyer has not been disbarred or suspended from practice in any jurisdiction, United States or foreign, and has never been convicted of a felony.

(4) While serving as counsel, the lawyer will perform legal services solely for the corporation, association, or other business, educational, or governmental entity, including its subsidiaries and affiliates.

(5) While serving as counsel, the lawyer will not provide personal legal services to the entity’s officers or employees, except regarding matters directly related to their work for the entity and only to the extent consistent with rule 32:1.7 of the Iowa Rules of Professional Conduct. Foreign lawyers may not provide any legal services to the entity’s officers or employees.

(6) The corporation, association, or other business, educational, or governmental entity is not engaged in the practice of law or provision of legal services.

(7) The entity will promptly notify the Client Security Commission of the termination of the lawyer’s employment.

h. An affidavit from the lawyer attesting as follows:

(1) The name of the entity that will be employing the lawyer.

(2) The lawyer has been lawfully admitted to practice and is a lawyer in good standing in another United States or foreign jurisdiction.

(3) The lawyer has not been disbarred or suspended from practice in any jurisdiction, United States or foreign, and has never been convicted of a felony.

(4) While serving as counsel, the lawyer will perform legal services solely for the corporation, association, or other business, educational, or governmental entity, including its subsidiaries and affiliates.

(5) While serving as counsel, the lawyer will not provide personal legal services to the entity's officers or employees, except regarding matters directly related to the lawyer's work for the entity and to the extent consistent with rule 32:1.7 of the Iowa Rules of Professional Conduct. Foreign lawyers may not provide any legal services to the entity's officers or employees.

(6) The corporation, association, or other business, educational, or governmental entity is not engaged in the practice of law or provision of legal services.

(7) The lawyer will promptly notify the Client Security Commission of the termination of the lawyer's employment.

i. Any other document the supreme court requires to be submitted.

31.16(3) *Scope of authority of registered lawyer.*

a. A lawyer registered under this rule has the rights and privileges otherwise applicable to members of the bar of this state with the following restrictions:

(1) The registered lawyer is authorized to provide legal services to the entity client or its organizational affiliates, including entities that control, are controlled by, or are under common control with the employer, and, except for foreign lawyers, to employees, officers, and directors of such entities, but only on matters directly related to their work for the entity and only to the extent consistent with rule 32:1.7 of the Iowa Rules of Professional Conduct.

(2) The registered lawyer may not:

1. Except as otherwise permitted by the rules of this state, appear before a court or any other tribunal as defined in rule 32:1.0(m) of the Iowa Rules of Professional Conduct. Registration under this rule does not authorize a lawyer to provide services to the employing entity for which pro hac vice admission is required. A lawyer registered under this rule must therefore comply with the requirements for pro hac vice admission under rule 31.14 for any appearances before a court or any administrative agency.

2. Offer or provide legal services or advice to any person other than as described in rule 31.16(3)(a)(1), or hold himself or herself out as being authorized to practice law in this state other than as described in rule 31.16(3)(a)(1).

3. If a foreign lawyer, provide advice on the law of this state or another United States jurisdiction or of the United States except on the basis of advice from a lawyer who is duly licensed and authorized to provide such advice.

b. Notwithstanding the provisions of rule 31.16(3)(a), a lawyer registered under this rule is authorized to provide pro bono legal services through an established not-for-profit bar association, pro bono program or legal services program, or through such organization(s) specifically authorized in this state. This provision does not apply to foreign lawyers registered under this rule.

c. A lawyer registered under this rule must:

(1) File an annual statement and pay the annual disciplinary fee as Iowa Court Rules 39.5 and 39.8 require. Beginning calendar year 2021, the lawyer must pay the regular assessment as required by Iowa Court Rule 39.6(2) as well as any special assessments required by Iowa Court Rule 39.6(4).

(2) Fulfill the continuing legal education attendance, reporting, and fee payment requirements set forth in Iowa Court Rules 41.3 and 41.4. However, a lawyer is not required to comply with the continuing legal education attendance requirements set forth in rule 41.3 for the calendar year in which the lawyer first registered as house counsel under this rule.

(3) Report to the office of professional regulation within 90 days the following:

1. Termination of the lawyer's employment as described in rule 31.16(2)(h).

2. Whether or not public, any change in the lawyer's license status in another jurisdiction, United States or foreign.

3. Whether or not public, any disciplinary charge, finding, or sanction concerning the lawyer by any disciplinary authority, court, or other tribunal in any jurisdiction, United States or foreign.

31.16(4) *Local discipline.* A registered lawyer under this section is subject to the Iowa Rules of Professional Conduct and all other laws and rules governing lawyers admitted to the active practice of law in this state. The Iowa Supreme Court Attorney Disciplinary Board has and will retain jurisdiction

over the registered lawyer with respect to the conduct of the lawyer in this state or another jurisdiction to the same extent as it has over lawyers generally admitted in this jurisdiction.

31.16(5) *Automatic termination.* A registered lawyer's rights and privileges under this rule automatically terminate when:

- a. The lawyer's employment terminates;
- b. The lawyer is suspended or disbarred from practice in any jurisdiction, United States or foreign, or any court or agency before which the lawyer is admitted; or
- c. The lawyer no longer maintains active status in at least one jurisdiction, United States or foreign.

31.16(6) *Reinstatement.* A registered lawyer whose registration is terminated under rule 31.16(5)(a) may be reinstated within 180 days of termination upon submission to the office of professional regulation all of the following:

- a. An application for reinstatement in a form the office of professional regulation prescribes.
- b. A reinstatement fee in the amount of \$100.
- c. Affidavits from the current employing entity and the lawyer as prescribed in rules 31.16(2)(g) and (h).
- d. Current versions of the documents and certificates required in rules 31.16(2)(d)-(f).

31.16(7) *Reapplication.* Any lawyer seeking to register as house counsel who has previously been registered under this rule and who has not sought timely reinstatement under rule 31.16(6) must submit everything contained within rule 31.16(2) for each subsequent registration.

31.16(8) *Sanctions.* A lawyer under this rule who fails to register will be:

- a. Subject to professional discipline in this state.
- b. Ineligible for admission on motion in this state.
- c. Referred by the office of professional regulation to the Iowa Supreme Court Attorney Disciplinary Board.
- d. Referred by the office of professional regulation to the disciplinary authority of the jurisdictions of licensure, United States or foreign.

31.16(9) *Court's discretion.* The supreme court has the discretion to grant or deny an application or to revoke a registration. The court may procure the character investigation services of the National Conference of Bar Examiners, at the lawyer's expense, in any matter in which substantial questions regarding the lawyer's character or fitness to practice law are implicated. The character investigation services will be procured for all foreign lawyer applicants at the applicants' expense. The office of professional regulation must issue a certificate of registration upon the supreme court's approval of the application.

31.16(10) *Duration of registration—credit toward admission on motion.*

a. *Domestic lawyer.* A domestic lawyer registered under this rule may remain in house counsel status subject to rule 31.16(5), withdrawal of the registration, or admission following successful completion of the Iowa bar examination, by transferred UBE score pursuant to rule 31.4, or without examination pursuant to rules 31.12 and 31.13. The period of time the lawyer practices law in Iowa under the registration provisions of this rule may be used to satisfy the duration-of-practice requirement under rule 31.12(3)(a).

b. *Foreign lawyer.* A foreign lawyer registered under this rule may remain in house counsel status subject to rule 31.16(5), withdrawal of the registration, or admission following successful completion of the Iowa bar examination. The foreign lawyer is not eligible for admission on motion based on practice while registered in Iowa. The foreign lawyer may either remain as house counsel or may attempt to establish academic equivalency allowing the lawyer to sit for the Iowa bar examination. A foreign lawyer seeking to take the bar examination must:

(1) Obtain a scaled score of at least 80 on the MPRE before seeking permission to take the bar examination. The MPRE score must be from an examination taken within three years immediately preceding the filing date of the application.

(2) Provide an affidavit giving a detailed description of the lawyer's practice while registered as house counsel and an estimate of how many hours per year the lawyer engaged in the practice of law during that period.

(3) Provide an affidavit from an officer, partner, director, or general counsel of the employing entity attesting that the foreign lawyer's affidavit is accurate and that the foreign lawyer possesses the character and fitness to practice law in Iowa.

(4) Submit the lawyer's credentials to an ABA-approved law school in this state for a recommendation of what schedule of courses, if any, would render the applicant educationally

qualified to sit for the examination. The foreign lawyer may then petition the court to approve the proposed course of study. If the court approves the petition, the foreign lawyer must attach to the bar application a copy of the law school dean's affidavit stating the foreign lawyer successfully completed the approved course of study and is believed to be educationally qualified to sit for the examination. The foreign lawyer will be allowed to sit for the examination provided all other requirements are met.

31.16(11) *Lawyers registered under prior version of this rule.* A lawyer registered under the prior version of this rule is not required to register again or pay the registration fee. Any lawyer who is currently registered under a prior version of this rule is no longer subject to the five-year period for terminating registration as house counsel. All other provisions of this rule apply.

31.16(12) *Denial of application or suspension of registration for failure to comply with an obligation owed to or collected by the Central Collection Unit of the Iowa Department of Revenue.* The supreme court may deny a lawyer's application for registration or suspend a lawyer's registration under this rule for failure to comply with an obligation owed to or collected by the Central Collection Unit of the Iowa Department of Revenue. Rule 31.9(7) governs this procedure.

31.16(13) *Denial of application or suspension of registration for failure to comply with an obligation owed to or collected by the Iowa College Student Aid Commission.* The supreme court may deny a lawyer's application for registration or suspend a lawyer's registration under this rule for failure to comply with an obligation owed to or collected by the Iowa College Student Aid Commission. Rule 31.9(6) governs this procedure.

31.16(14) *Denial of application or suspension of registration for failure to comply with a support order.* The supreme court may deny a lawyer's application for registration or suspend a lawyer's registration under this rule for failure to comply with a support order. Rule 31.9(5) governs this procedure.

[Court Orders April 20, 2005, and July 1, 2005, effective July 1, 2005; September 1, 2005; June 16, 2006; February 14, 2008, effective April 1, 2008; June 5, 2008, effective July 1, 2008; September 12, 2012; August 21, 2013; May 18, 2015, effective July 1, 2015; September 14, 2017, effective November 2, 2017; December 13, 2017, effective January 1, 2018; October 24, 2019, effective January 1, 2020; August 28, 2020; September 14, 2021, effective October 1, 2021; September 19, 2022, effective October 1, 2022]

Rule 31.17 Provision of legal services following determination of major disaster.

31.17(1) *Determination of existence of major disaster.* Solely for purposes of this rule, the supreme court will determine when an emergency affecting the justice system, as a result of a natural or other major disaster, has occurred in:

a. This state and whether the emergency caused by the major disaster affects the entirety or only a part of the state; or

b. Another jurisdiction but only after such a determination and its geographical scope have been made by the highest court of that jurisdiction. The authority to engage in the temporary practice of law in this state pursuant to rule 31.17(3) will extend only to lawyers who principally practice in the area of such other jurisdiction determined to have suffered a major disaster causing an emergency affecting the justice system and the provision of legal services.

31.17(2) *Temporary practice—pro bono services.* Following the determination of an emergency affecting the justice system in this state pursuant to rule 31.17(1), or a determination that persons displaced by a major disaster in another jurisdiction and residing in this state are in need of pro bono services and the assistance of lawyers from outside of this state is required to help provide such assistance, a lawyer authorized to practice law in another United States jurisdiction, and not disbarred, suspended from practice, or otherwise restricted from practice in any jurisdiction, may provide legal services in this state on a temporary basis. Such legal services must be provided on a pro bono basis without compensation, expectation of compensation, or other direct or indirect pecuniary gain to the lawyer. Such legal services must be assigned and supervised through an established not-for-profit bar association, pro bono program or legal services program, or through such organization(s) specifically designated by the supreme court.

31.17(3) *Temporary practice—legal services arising out of and reasonably related to a lawyer's practice of law in another jurisdiction, or area of such other jurisdiction, where the disaster occurred.* Following the determination of a major disaster in another United States jurisdiction, a lawyer who is authorized to practice law and principally practices in that affected jurisdiction, and who is not disbarred, suspended from practice, or otherwise restricted from practice in any jurisdiction may provide legal services in this state on a temporary basis. Those legal services must

arise out of and be reasonably related to that lawyer's practice of law in the jurisdiction, or area of such other jurisdiction, where the major disaster occurred.

31.17(4) *Duration of authority for temporary practice.* The authority to practice law in this state granted by rule 31.17(2) will end when the supreme court determines that the conditions caused by the major disaster have ended except that a lawyer then representing clients in this state pursuant to rule 31.17(2) is authorized to continue the provision of legal services for such time as is reasonably necessary to complete the representation, but the lawyer may not thereafter accept new clients. The authority to practice law in this state granted by rule 31.17(3) will end 60 days after the supreme court declares that the conditions caused by the major disaster in the affected jurisdiction have ended.

31.17(5) *Court appearances.* The authority granted by this rule does not include appearances in court except:

- a. Pursuant to the supreme court's pro hac vice admission rule; or
- b. If the supreme court, in any determination made under rule 31.17(1), grants blanket permission to appear in all or designated courts of this state to lawyers providing legal services pursuant to rule 31.17(2).

31.17(6) *Disciplinary authority and registration requirement.* Lawyers providing legal services in this state pursuant to rule 31.17(2) or 31.17(3) are subject to the supreme court's disciplinary authority and the Iowa Rules of Professional Conduct as provided in Iowa Rule of Professional Conduct 8.5. Lawyers providing legal services in this state under rule 31.17(2) or 31.17(3) must, within 30 days from the commencement of the provision of legal services, file a registration statement with the office of professional regulation. A form for the registration statement can be found in rule 31.25. Any lawyer who provides legal services pursuant to this rule will not be considered to be engaged in the unlawful practice of law in this state.

31.17(7) *Notification to clients.* Lawyers authorized to practice law in another United States jurisdiction who provide legal services pursuant to this rule must inform clients in this state of the jurisdiction in which they are authorized to practice law, any limits of that authorization, and that they are not authorized to practice law in this state except as permitted by this rule. They must not state or imply to any person that they are otherwise authorized to practice law in this state.

The comment accompanying this rule explains and illustrates the meaning and purpose of the rule. The comment is intended as a guide to interpretation, but the text of the rule is authoritative.

COMMENT

[1] A major disaster in this state or another jurisdiction may cause an emergency affecting the justice system with respect to the provision of legal services for a sustained period of time interfering with the ability of lawyers admitted and practicing in the affected jurisdiction to continue to represent clients until the disaster has ended. When this happens, lawyers from the affected jurisdiction may need to provide legal services to their clients, on a temporary basis, from an office outside their home jurisdiction. In addition, lawyers in an unaffected jurisdiction may be willing to serve residents of the affected jurisdiction who have unmet legal needs as a result of the disaster or, though independent of the disaster, whose legal needs temporarily are unmet because of disruption to the practices of local lawyers. Lawyers from unaffected jurisdictions may offer to provide these legal services either by traveling to the affected jurisdiction or from their own offices or both, provided the legal services are provided on a pro bono basis through an authorized not-for-profit entity or such other organization(s) specifically designated by the supreme court. A major disaster includes, for example, a hurricane, earthquake, flood, wildfire, tornado, public health emergency, or an event caused by terrorists or acts of war.

[2] Under rule 31.17(1)(a), the supreme court will determine whether a major disaster causing an emergency affecting the justice system has occurred in this state, or in a part of this state, for purposes of triggering rule 31.17(2). The supreme court may, for example, determine that the entirety of this state has suffered a disruption in the provision of legal services or that only certain areas have suffered such an event. The authority granted by rule 31.17(2) will extend only to lawyers authorized to practice law and not disbarred, suspended from practice, or otherwise restricted from practice in any other manner in any other jurisdiction.

[3] Rule 31.17(2) permits lawyers authorized to practice law in another jurisdiction, and not disbarred, suspended from practice, or otherwise restricted from practicing law in any other jurisdiction, to provide pro bono legal services to residents of this state following a determination of an emergency caused by a major disaster, notwithstanding that they are not otherwise authorized to practice law in this state. Other restrictions on a lawyer's license to practice law that would prohibit that lawyer from providing legal services pursuant to this rule include, but are not limited to, probation, inactive status, disability inactive status, or a nondisciplinary administrative suspension for failure to complete continuing legal education or other requirements. Lawyers on probation may be subject to monitoring and specific limitations on their practices. Lawyers on inactive status, despite being characterized in many jurisdictions as being "in good standing," and lawyers on disability inactive status are not permitted to practice law. Public protection warrants exclusion of these lawyers from the authority to provide legal services as defined in this rule. Lawyers permitted to provide legal services pursuant to this rule must do so without fee or other compensation, or expectation thereof. Their service must be provided through an established not-for-profit organization that is authorized to provide legal services either in its own name or that provides representation of clients through employed or cooperating lawyers. Alternatively, the supreme court may instead designate other specific organization(s) through which these legal services may be rendered. Under rule 31.17(2), an emeritus lawyer from another United States jurisdiction may provide pro bono legal services on a temporary basis in this state provided that the emeritus lawyer is authorized to provide pro bono legal services in that jurisdiction pursuant to that jurisdiction's emeritus or pro bono practice rule. Lawyers may also be authorized to provide legal services in this state on a temporary basis under Iowa R. of Prof'l Conduct 32:5.5(c).

[4] Lawyers authorized to practice law in another jurisdiction, who principally practice in the area of such other jurisdiction determined by the supreme court to have suffered a major disaster, and whose practices are disrupted by a major disaster there, and who are not disbarred, suspended from practice or otherwise restricted from practicing law in any other manner in any other jurisdiction, are authorized under rule 31.17(3) to provide legal services on a temporary basis in this state. Those legal services must arise out of and be reasonably related to the lawyer's practice of law in the affected jurisdiction. For purposes of this rule, the determination of a major disaster in another jurisdiction should first be made by the highest court of appellate jurisdiction in that jurisdiction. For the meaning of "arise out of and reasonably related to," see Iowa R. of Prof'l Conduct 32:5.5, cmt. [14].

[5] Emergency conditions created by major disasters end, and when they do, the authority created by rules 31.17(2) and 31.17(3) also ends with appropriate notice to enable lawyers to plan and to complete pending legal matters. Under rule 31.17(4), the supreme court determines when those conditions end only for purposes of this rule. The authority granted under rule 31.17(2) will end upon such determination, except that lawyers assisting residents of this state under rule 31.17(2) may continue to do so for such longer period as is reasonably necessary to complete the representation. The authority created by rule 31.17(3) will end 60 days after the supreme court makes such a determination with regard to an affected jurisdiction.

[6] Rules 31.17(2) and 31.17(3) do not authorize lawyers to appear in the courts of this state. Court appearances are subject to the pro hac vice admission rules of the supreme court. The supreme court may, in a determination made under rule 31.17(5)(b), include authorization for lawyers who provide legal services in this state under rule 31.17(2) to appear in all or designated courts of this state without need for such pro hac vice admission. A lawyer who has appeared in the courts of this state pursuant to rule 31.17(5) may continue to appear in any such matter notwithstanding a declaration under rule 31.17(4) that the conditions created by major disaster have ended. Furthermore, withdrawal from a court appearance is subject to Iowa R. of Prof'l Conduct 32:1.16.

[7] Authorization to practice law as a foreign legal consultant or in-house counsel in a United States jurisdiction offers lawyers a limited scope of permitted practice and may therefore restrict that person's ability to provide legal services under this rule.

[8] The ABA National Lawyer Regulatory Data Bank is available to help determine whether any lawyer seeking to practice in this state pursuant to rule 31.17(2) or 31.17(3) is disbarred, suspended from practice, or otherwise subject to a public disciplinary sanction that would restrict the lawyer's ability to practice law in any other jurisdiction. [Court Order December 13, 2017, effective January 1, 2018]

[Court Order May 14, 2007; February 14, 2008, effective April 1, 2008; December 13, 2017, effective January 1, 2018]

Rule 31.18 Licensing and practice of foreign legal consultants.

31.18(1) *General regulation as to licensing.* In its discretion, the supreme court may license to practice in the State of Iowa as a foreign legal consultant, without examination, an applicant who:

a. Is, and for at least five years has been, a member in good standing of a recognized legal profession in a foreign country, the members of which are admitted to practice as lawyers or counselors at law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or a public authority.

b. For at least five years preceding his or her application has been a member in good standing of such legal profession and has been lawfully engaged in the practice of law in the foreign country or elsewhere substantially involving or relating to the rendering of advice or the provision of legal services concerning the law of the foreign country.

c. Possesses the good moral character and general fitness requisite for a member of the bar of this state.

d. Intends to practice as a foreign legal consultant in this state and to maintain an office in this state for that purpose.

31.18(2) *Application and fee.*

a. The applicant must file an application for a foreign legal consultant license with the National Conference of Bar Examiners through its online character and fitness application process, unless an exception is granted by the office of professional regulation. The applicant must pay the investigative fee required by the National Conference of Bar Examiners at the time of filing the application.

b. In addition, the applicant must file the following documents and fee with the office of professional regulation:

(1) A certificate from the professional body or public authority having final jurisdiction over professional discipline in the foreign country in which the applicant is admitted, certifying the applicant's admission to practice, date of admission, and good standing as a lawyer or counselor at law or the equivalent, and certifying that the applicant has not been disciplined and no charges of professional misconduct are pending or identifying any disciplinary sanctions that have been imposed upon the applicant or any pending charges, complaints, or grievances.

(2) A letter of recommendation from one of the members of the executive body of such professional body or public authority or from one of the judges of the highest law court or court of original jurisdiction in the foreign country in which the applicant is admitted.

(3) Duly authenticated English translations of the certificate required by rule 31.18(2)(b)(1) and the letter required by rule 31.18(2)(b)(2) if they are not in English.

(4) The requisite documentation establishing the applicant's compliance with the immigration laws of the United States.

(5) Other evidence as the supreme court may require regarding the applicant's educational and professional qualifications, good moral character and general fitness, and compliance with the requirements of rule 31.18(1).

(6) An administrative fee of \$800 payable to the office of professional regulation at the time the application is filed.

31.18(3) *Scope of practice.* A person licensed to practice as a foreign legal consultant under this rule may render legal services in this state but will not be considered admitted to practice law here, may not in any way hold himself or herself out as a member of the bar of this state, and may not do any of the following:

a. Appear as a lawyer on behalf of another person in any court or before any magistrate or other judicial officer in this state, except when admitted pro hac vice pursuant to Iowa rule 31.14.

b. Prepare any instrument effecting the transfer or registration of title to real estate located in the United States of America.

c. Prepare:

(1) Any will or trust instrument effecting the disposition on death of any property located in the United States of America and owned by a resident thereof.

(2) Any instrument relating to the administration of a decedent's estate in the United States of America.

d. Prepare any instrument in respect of the marital or parental relations, rights, or duties of a resident of the United States of America, or the custody or care of the children of such a resident.

e. Render professional legal advice on the law of this state or of the United States of America, whether rendered incident to the preparation of legal instruments or otherwise.

f. Carry on a practice under, or utilize in connection with such practice, any name, title, or designation other than one or more of the following:

(1) The foreign legal consultant's own name.

(2) The name of the law firm with which the foreign legal consultant is affiliated.

(3) The foreign legal consultant's authorized title in the foreign country of his or her admission to practice, which may be used in conjunction with the name of that country.

(4) The title "foreign legal consultant," which may be used in conjunction with the words "admitted to the practice of law in [name of the foreign country of his or her admission to practice]."

31.18(4) *Rights and obligations.* Subject to the limitations listed in rule 31.18(3), a person licensed under this rule will be considered a foreign legal consultant affiliated with the bar of this state and will be entitled and subject to:

a. The rights and obligations set forth in the Iowa Rules of Professional Conduct or arising from the other conditions and requirements that apply to a member of the bar of this state under the Iowa Court Rules.

b. The rights and obligations of a member of the bar of this state with respect to:

(1) Affiliation in the same law firm with one or more members of the bar of this state, including by:

1. Employing one or more members of the bar of this state.

2. Being employed by one or more members of the bar of this state or by any partnership or professional corporation that includes members of the bar of this state or that maintains an office in this state.

3. Being a partner in any partnership or shareholder in any professional corporation that includes members of the bar of this state or that maintains an office in this state.

(2) Attorney-client privilege, work-product privilege, and similar professional privileges.

31.18(5) *Discipline.* A person licensed to practice as a foreign legal consultant under this rule will be subject to professional discipline in the same manner and to the same extent as members of the bar of this state. To this end:

a. Every person licensed to practice as a foreign legal consultant under this rule:

(1) Will be subject to the jurisdiction of the supreme court and the Iowa Supreme Court Attorney Disciplinary Board and to reprimand, suspension, removal, or revocation of his or her license to

practice by the supreme court and will otherwise be governed by the Iowa Rules of Professional Conduct and the Iowa Court Rules.

(2) Must execute and file with the clerk of the supreme court, in the form and manner as the court may prescribe:

1. A commitment to observe the Iowa Rules of Professional Conduct and the Iowa Court Rules to the extent applicable to the legal services authorized under rule 31.18(3);

2. A written undertaking to notify the court of any change in the foreign legal consultant's good standing as a member of the foreign legal profession referred to in rule 31.18(1)(a) and of any final action of the professional body or public authority referred to in rule 31.18(2)(b)(1) imposing any disciplinary reprimand, suspension, or other sanction upon the foreign legal consultant.

3. A duly acknowledged instrument in writing, providing the foreign legal consultant's address in this state and designating the clerk of the supreme court as his or her agent for service of process. The foreign legal consultant must keep the office of professional regulation advised in writing of any changes of address in this jurisdiction. In any action or proceeding brought against the foreign legal consultant and arising out of or based upon any legal services rendered or offered to be rendered by the foreign legal consultant within this state or to residents of this state, service will first be attempted upon the foreign legal consultant at the most recent address filed with the clerk. Whenever after due diligence service cannot be made upon the foreign legal consultant at that address, service may be made upon the clerk. Service made upon the clerk in accordance with this provision is effective as if service had been made personally upon the foreign legal consultant.

b. Service of process on the clerk under rule 31.18(5)(a)(2)(3) must be made by personally delivering to the clerk's office, and leaving with the clerk, or with a deputy or assistant authorized by the clerk to receive service, duplicate copies of the process. The clerk must promptly send one copy of the process to the foreign legal consultant to whom the process is directed, by certified mail, return receipt requested, addressed to the foreign legal consultant at the most recent address provided in accordance with rule 31.18(5)(a)(2)(3).

31.18(6) Required fees and annual statements. A person licensed as a foreign legal consultant must pay a \$200 registration fee to the Client Security Commission. The person licensed under this rule must file an annual statement and pay the annual disciplinary fee as required by Iowa Court Rules 39.5 and 39.8.

31.18(7) Revocation of license. If the supreme court determines that a person licensed as a foreign legal consultant under this rule no longer meets the requirements for licensure set forth in rule 31.18(1)(a) or (b), it will revoke the foreign legal consultant's license.

31.18(8) Admission to bar. If a person licensed as a foreign legal consultant under this rule is subsequently admitted as a member of the bar of this state under the rules governing admission, that person's foreign legal consultant license will be deemed superseded by the license to practice law as a member of the bar of this state.

[Court Order June 3, 2009; January 19, 2010; August 21, 2013; September 14, 2017, effective November 2, 2017; December 13, 2017, effective January 1, 2018]

Rule 31.19 Certification and pro bono participation of emeritus attorneys.

31.19(1) Purpose. This rule establishes the emeritus attorneys pro bono participation program.

31.19(2) Definitions.

a. *Emeritus attorney.* An "emeritus attorney" is any person who is admitted to practice law in Iowa and is on inactive, active, or retired status at the time of application, or who is or was admitted to practice law before the highest court of any other state or territory of the United States or the District of Columbia, and:

(1) Does not have a pending disciplinary proceeding.

(2) Has never been disbarred or had a license to practice law revoked in any jurisdiction.

(3) Agrees to abide by the Iowa Rules of Professional Conduct and submit to the jurisdiction of the Iowa Supreme Court, the Iowa Supreme Court Attorney Disciplinary Board, and the Iowa Supreme Court Grievance Commission for disciplinary purposes.

(4) Neither requests nor accepts compensation of any kind for the legal services to be rendered under this chapter.

(5) Is certified under this rule.

b. *Active.* For purposes of this rule, "active" describes lawyers with the status of corporate, full-time, part-time, government, judge, or military service for purposes of the Client Security Commission.

c. Approved legal aid organization. For purposes of this rule, an “approved legal aid organization” includes a program sponsored by a bar association, law school, or a not-for-profit legal aid organization, approved by the Iowa Supreme Court, whose primary purpose is to provide legal representation to low-income persons in Iowa. A legal aid organization seeking approval from the court for the purposes of this rule must file a petition with the office of professional regulation certifying that it is a not-for-profit organization and reciting with specificity:

- (1) The structure of the organization and whether it accepts funds from its clients.
- (2) The major sources of funds the organization uses.
- (3) The criteria used to determine potential clients’ eligibility for legal services the organization performs.
- (4) The types of legal and nonlegal services the organization performs.
- (5) The names of all members of the Iowa bar the organization employs or who regularly perform legal work for the organization.
- (6) The existence and extent of malpractice insurance that will cover the emeritus attorney.
- (7) The number of attorneys on the organization’s board of directors.
- (8) The availability of in-house continuing legal education.

31.19(3) Activities.

a. Permissible activities. An emeritus attorney, in association with an approved legal aid organization, may perform the following activities:

- (1) The emeritus attorney may appear in any court or before any administrative tribunal in this state on behalf of a client of an approved legal aid organization.
- (2) The emeritus attorney may prepare pleadings and other documents to be filed in any court or before any administrative tribunal in this state in any matter in which the emeritus attorney is involved. Such pleadings must include the attorney’s status as emeritus attorney and the name of the approved legal aid organization, except as permitted by Iowa Rule of Civil Procedure 1.423.
- (3) The emeritus attorney may provide advice, screening, transactional, and other activities for clients of approved legal aid organizations.

b. Determination of nature of participation. The presiding judge or hearing officer may, in the judge’s or officer’s discretion, determine the extent of the emeritus attorney’s participation in any proceedings before the court.

31.19(4) Supervision and limitations.

a. Supervision by attorney. An emeritus attorney providing legal advice through the COVID-19 Legal Information Hotline program may do so without supervision. An emeritus attorney must perform all other activities authorized by this chapter under the general supervision of the approved legal aid organization.

b. Representation of status. Attorneys permitted to perform services under this chapter may only hold themselves out as emeritus attorneys.

c. Payment of expenses and award of fees. The prohibition against compensation for the emeritus attorney contained in rule 31.19(2)(a)(4) does not prevent the approved legal aid organization from reimbursing the emeritus attorney for actual expenses incurred while rendering services under this chapter or from paying continuing legal education attendance fees on behalf of the emeritus attorneys, nor does it prevent the approved legal aid organization from making such charges for its services as it may otherwise properly charge. The approved legal aid organization is entitled to receive all court-awarded attorneys’ fees for any representation rendered by the emeritus attorney.

31.19(5) Certification. Permission for an emeritus attorney to perform services under this chapter is effective upon filing with and approval by the office of professional regulation of:

a. A certification from an approved legal aid organization stating that the emeritus attorney is currently associated with that legal aid organization and that all activities of the emeritus attorney will be under the general supervision of the legal aid organization or a certification from the attorney that the attorney has completed the training provided by the COVID-19 Legal Information Hotline and will limit the attorney’s activities to the pro bono provision of legal advice only to individuals referred through the COVID-19 Legal Information Hotline.

b. A certificate from the highest court or agency in the state, territory, or district in which the emeritus attorney previously has been licensed to practice law, certifying that the emeritus attorney is in good standing, does not have a pending disciplinary proceeding, and has never been disbarred or had the license to practice law revoked.

c. A sworn statement from the emeritus attorney that the emeritus attorney:

(1) Relinquishes status as an inactive, active, or retired lawyer and requests placement in emeritus status for purposes of the Client Security Commission and Commission on Continuing Legal Education.

(2) Understands and will abide by the provisions of the Iowa Rules of Professional Conduct.

(3) Submits to the jurisdiction of the Iowa Supreme Court, the Iowa Supreme Court Attorney Disciplinary Board, and the Iowa Supreme Court Grievance Commission for disciplinary purposes.

(4) Will neither request nor accept compensation of any kind for the legal services authorized under this chapter.

31.19(6) *Withdrawal of certification.*

a. Withdrawal of permission to perform services. Permission to perform services under this chapter must cease immediately upon the filing with the office of professional regulation of a notice either:

(1) From the approved legal aid organization stating that the emeritus attorney has ceased to be associated with the organization, which notice must be filed within 30 days after such association has ceased; or

(2) From the Iowa Supreme Court, in its discretion, at any time, stating that permission to perform services under this chapter has been revoked. A copy of such notice must be mailed by the office of professional regulation to the emeritus attorney involved and to the approved legal aid organization.

b. Notice of withdrawal. If an emeritus attorney's certification is withdrawn for any reason, the approved legal aid organization must immediately file a notice of such action in the official file of each matter pending before any court or tribunal in which the emeritus attorney was involved.

31.19(7) *Discipline.* In addition to any appropriate proceedings and discipline that may be imposed upon the emeritus attorney by the Iowa Supreme Court under the court's disciplinary rules, the Iowa Rules of Professional Conduct, or the Code of Iowa, the Iowa Supreme Court may, at any time, with or without cause, withdraw certification under this rule.

31.19(8) *Fees and annual statements.*

a. Annual report to Client Security Commission. A lawyer certified under this rule must file the annual questionnaire required by Iowa Court Rule 39.11 and the annual statement required by Iowa Court Rule 39.8(1) but is exempt from the annual disciplinary fee and fund assessment provided in Iowa Court Rules 39.5 and 39.6.

b. Annual report to Commission on Continuing Legal Education. A lawyer certified under this rule must fulfill the continuing legal education attendance, reporting, and fee payment requirements set forth in Iowa Court Rules 41.3 and 41.4. However, a lawyer is not required to comply with the continuing legal education requirements set forth in Iowa Court Rule 41.3 for the calendar year in which the lawyer is first certified under this rule. The approved legal aid organization may pay the continuing legal education reporting fee on behalf of the emeritus attorney.

[Court Order March 1, 2013; December 13, 2017, effective January 1, 2018; April 17, 2020]

Rules 31.20 to 31.24 Reserved.

Rule 31.25 Forms.**Rule 31.25 — Form 1: Application for Admission Pro Hac Vice—District Court**

Iowa District Court for _____ County <i>County where your case is filed</i>	
<div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> <p>Plaintiff(s) <i>Full name: first, middle, last</i></p> <p>vs.</p> <div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> <p>Defendant(s) <i>Full name: first, middle, last</i></p>	<div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> <p style="text-align: center;">Application for Admission Pro Hac Vice--District Court Iowa Court Rule 31.14</p>

1. Application

The undersigned seeks permission to appear pro hac vice in the above-captioned proceeding.

Applicant must complete all of the following:

If this matter involves review of an agency action, did the applicant seek admission pro hac vice in the proceedings below? ☐ Yes ☐ No

If yes, attach copies of all related documents.

a. Applicant's full name, residential address, email address, and business address.

<i>Full name: first, middle, last</i>	<i>Email address</i>		
<i>Mailing address</i>	<i>City</i>	<i>State</i>	<i>ZIP code</i>
<i>Business address</i>	<i>City</i>	<i>State</i>	<i>ZIP code</i>

b. The name, address, and telephone number of each client to be represented.**c. The courts before which the applicant has been admitted to practice and the respective periods of admission and any jurisdiction in which the out-of-state lawyer has been licensed to practice as a foreign legal consultant and the respective period of licensure.****d. Has the applicant ever been denied admission pro hac vice in this state?**

☐ Yes ☐ No

Rule 31.25—Form 1: *Application for Admission Pro Hac Vice--District Court*, continued

If yes, on a separate page specify the caption of the proceedings, the date of the denial, and what findings were made. Attach copies of all related documents.

- e. Has the applicant ever had admission pro hac vice revoked in this state?

☐ Yes ☐ No

If yes, on a separate page specify the caption of the proceedings, the date of the denial, and what findings were made. Attach copies of all related documents.

- f. Has the applicant ever been denied admission in any jurisdiction for reasons other than failure of a bar examination? ☐ Yes ☐ No

If yes, on a separate page specify the caption of the proceedings, the date of the denial, and what findings were made. Attach copies of all related documents.

- g. Has the applicant ever been formally disciplined or sanctioned by any court in this state? ☐ Yes ☐ No

If yes, on a separate page specify the nature of the allegations, the name of the authority bringing such proceedings, the caption of the proceedings, the date filed, what findings were made, and what action was taken in connection with those proceedings. Attach copies of all related documents.

- h. Has the applicant ever been the subject of any injunction, cease-and-desist letter, or other action arising from a finding that the applicant engaged in the unauthorized practice of law in this state or elsewhere? ☐ Yes ☐ No

If yes, on a separate page specify the nature of the allegations, the name of the authority bringing such proceedings, the caption of the proceedings, the date filed, what findings were made, and what action was taken in connection with those proceedings. Attach copies of all related documents.

- i. Has any formal, written disciplinary proceeding ever been brought against the applicant by a disciplinary authority or unauthorized practice of law commission in any other jurisdiction within the last five years? ☐ Yes ☐ No

If yes, on a separate page specify as to each such proceeding: the nature of the allegations, the name of the person or authority bringing such proceedings, the date the proceedings were initiated and finally concluded, the style of the proceedings, and the findings made and actions taken in connection with those proceedings. Attach copies of all related documents.

- j. Has the applicant ever been placed on probation by a disciplinary authority in any other jurisdiction? ☐ Yes ☐ No

If yes, on a separate page specify the jurisdiction, caption of the proceedings, the terms of the probation, and what findings were made. Attach copies of all related documents.

- k. Has the applicant ever been held formally in contempt or otherwise sanctioned by any court in a written order in the last five years for disobedience to the court's rules or orders? ☐ Yes ☐ No

If yes, on a separate page specify the nature of the allegations, the name of the court before which such proceedings were conducted, the date of the contempt order or sanction, the caption of the proceedings, and the substance of the court's rulings. Attach to this application a copy of the written order or a transcript of the oral ruling and other related documents.

- l. Has the applicant filed an application to appear pro hac vice in this state within the preceding two years? ☐ Yes ☐ No

Rule 31.25—Form 1: *Application for Admission Pro Hac Vice--District Court*, continued

If yes, on a separate page list the name and address of each court or agency and a full identification of each proceeding in which an application was filed, including the date and outcome of the application. Attach copies of all related documents.

- m. The applicant acknowledges familiarity with the rules of professional conduct, the disciplinary procedures of this state, the standards for professional conduct, the applicable local rules, and the procedures of the court before which the applicant seeks to practice. ☐ Yes ☐ No
- n. List the name, address, telephone number, email address, and personal identification number of an in-state lawyer in good standing of the bar of this state who will sponsor the applicant's pro hac vice request.

Lawyer's name

PIN

Email address

Lawyer's address

City

State

ZIP code

- o. The applicant acknowledges that service upon the in-state attorney in all matters connected with the proceedings will have the same effect as if personally made upon the applicant. ☐ Yes ☐ No
- p. If the applicant has appeared pro hac vice in this state in five proceedings within the preceding two years, the applicant must, on a separate attached page, provide a statement showing good cause why the applicant should be admitted in the present proceeding.
- q. On a separate attached page the applicant must provide any other information the applicant deems necessary to support the application for admission pro hac vice.
- r. Has the applicant registered with the office of professional regulation and paid the fee as required by Iowa Court Rule 31.14(11) within five years of the date of this application? ☐ Yes ☐ No

Lawyer's Oath and Signature and Certificate of Service on next page

Rule 31.25—Form 1: *Application for Admission Pro Hac Vice--District Court*, continued**2. Oath and Signature**

I, _____, have read this Application, and I certify under
Print your name

penalty of perjury and pursuant to the laws of the State of Iowa that the preceding is true and correct.

_____, 20_____
*Signed on: Month Day Year Your signature**

Mailing address City State ZIP code

(_____) _____
Telephone number Email address Additional email address, if applicable

** If filing in paper, you must handwrite your signature on this form. If filing electronically, you may handwrite your signature on the form, scan the form, and then file it electronically, or, you may affix a digitized signature and file the form electronically.*

Certificate of Service

The undersigned certifies a copy of this application was served on the following parties:

on the _____ day of _____, 20_____
Month Year

by ☐ Personal delivery ☐ Deposit in the U.S. mail

Signature of server

Rule 31.25 — Form 2: Application for Admission Pro Hac Vice—Iowa Supreme Court

In the Iowa Supreme Court	
<div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> <p>Plaintiff(s) <i>Full name: first, middle, last</i></p> <p>vs.</p> <div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> <p>Defendant(s) <i>Full name: first, middle, last</i></p>	<div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 5px;"></div> <p style="text-align: center;">Application for Admission Pro Hac Vice—Iowa Supreme Court Iowa Court Rule 31.14</p>

1. Application

The undersigned seeks permission to appear pro hac vice in the above-captioned proceeding.
Applicant shall complete all of the following:

Did the applicant seek admission pro hac vice in the proceedings below? ☐ Yes ☐ No

If yes, attach copies of all related documents.

a. Applicant's full name, residential address, email address, and business address.

Full name: first, middle, last

Email address

Mailing address

City

State

ZIP code

Business address

City

State

ZIP code

b. The name, address, and phone number of each client sought to be represented.**c. The courts before which the applicant has been admitted to practice and the respective periods of admission and any jurisdiction in which the out-of-state lawyer has been licensed to practice as a foreign legal consultant and the respective period of licensure.****d. Has the applicant ever been denied admission pro hac vice in this state?**

☐ Yes ☐ No

If yes, on a separate page specify the caption of the proceedings, the date of the denial, and what findings were made. Attach copies of all related documents.

e. Has the applicant ever had admission pro hac vice revoked in this state?

☐ Yes ☐ No

Rule 31.25—Form 2: *Application for Admission Pro Hac Vice--Iowa Supreme Court*, continued

If yes, on a separate page specify the caption of the proceedings, the date of the denial, and what findings were made. Attach copies of all related documents.

- f. Has the applicant ever been denied admission in any jurisdiction for reasons other than failure of a bar examination? ☐ Yes ☐ No

If yes, on a separate page specify the caption of the proceedings, the date of the denial, and what findings were made. Attach copies of all related documents.

- g. Has the applicant ever been formally disciplined or sanctioned by any court in this state? ☐ Yes ☐ No

If yes, on a separate page specify the nature of the allegations, the name of the authority bringing such proceedings, the caption of the proceedings, the date filed, what findings were made, and what action was taken in connection with those proceedings. Attach copies of all related documents.

- h. Has the applicant ever been the subject of any injunction, cease-and-desist letter, or other action arising from a finding that the applicant engaged in the unauthorized practice of law in this state or elsewhere? ☐ Yes ☐ No

If yes, on a separate page specify the nature of the allegations, the name of the authority bringing such proceedings, the caption of the proceedings, the date filed, what findings were made, and what action was taken in connection with those proceedings. Attach copies of all related documents.

- i. Has any formal, written disciplinary proceeding ever been brought against the applicant by a disciplinary authority or unauthorized practice of law commission in any other jurisdiction within the last five years? ☐ Yes ☐ No

If yes, on a separate page specify as to each such proceeding: the nature of the allegations, the name of the person or authority bringing such proceedings, the date the proceedings were initiated and finally concluded, the style of the proceedings, and the findings made and actions taken in connection with those proceedings. Attach copies of all related documents.

- j. Has the applicant ever been placed on probation by a disciplinary authority in any other jurisdiction? ☐ Yes ☐ No

If yes, on a separate page specify the jurisdiction, caption of the proceedings, the terms of the probation, and what findings were made. Attach copies of all related documents.

- k. Has the applicant ever been held formally in contempt or otherwise sanctioned by any court in a written order in the last five years for disobedience to the court's rules or orders? ☐ Yes ☐ No

If yes, on a separate page specify the nature of the allegations, the name of the court before which such proceedings were conducted, the date of the contempt order or sanction, the caption of the proceedings, and the substance of the court's rulings. Attach to this application a copy of the written order or a transcript of the oral ruling and other related documents.

- l. Has the applicant filed an application to appear pro hac vice in this state within the preceding two years? ☐ Yes ☐ No

If yes, on a separate page list the name and address of each court or agency and a full identification of each proceeding in which an application was filed, including the date and outcome of the application. Attach copies of all related documents.

- m. The applicant acknowledges familiarity with the rules of professional conduct, the disciplinary procedures of this state, the standards for professional conduct, the applicable local rules, and the procedures of the court before which the applicant seeks to practice. ☐ Yes ☐ No

Rule 31.25—Form 2: *Application for Admission Pro Hac Vice--Iowa Supreme Court*, continued

- n. List the name, address, telephone number, and personal identification number of an in-state lawyer in good standing of the bar of this state who will sponsor the applicant's pro hac vice request.

Lawyer's name	PIN	Email address		
Lawyer's address	City	State	ZIP code	

- o. The applicant acknowledges that service upon the in-state lawyer in all matters connected with the proceedings will have the same effect as if personally made upon the applicant. ☐ Yes ☐ No
- p. If the applicant has appeared pro hac vice in this state in five proceedings within the preceding two years, the applicant must, on a separate page, provide a statement showing good cause why the applicant should be admitted in the present proceeding.
- q. On a separate attached page, the applicant must provide any other information the applicant deems necessary to support the application for admission pro hac vice.
- r. Has the applicant registered with the office of professional regulation and paid the fee as required by Iowa Court Rule 31.14(11) within five years of the date of this application? ☐ Yes ☐ No

2. Oath and Signature

I, _____, have read this Application, and I certify under
Print your name

penalty of perjury and pursuant to the laws of the State of Iowa that the preceding is true and correct.

Signed on: Month Day 20 Year Your signature*

<i>Mailing address</i>	<i>City</i>	<i>State</i>	<i>ZIP code</i>
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()		
Telephone number	Email address	Additional email address, if applicable

**If filing in paper, you must handwritten your signature on this form. If filing electronically, you may handwritten your signature on the form, scan the form, and then file it electronically, or, you may affix a digitized signature and file the form electronically.*

Certificate of Service on next page

Rule 31.25—Form 2: *Application for Admission Pro Hac Vice--Iowa Supreme Court*, continued**Certificate of Service**

The undersigned certifies a copy of this application was served on the following parties

on the _____ day of _____, 20____

*Month**Year*

by ☐ Personal delivery ☐ Deposit in the U.S. mail

Signature of server

Rule 31.25 — Form 3: Registration Statement for Lawyer Engaging in Temporary Practice Following Determination of Major Disaster

In the Iowa Supreme Court

**Registration Statement for Lawyer
Engaging in Temporary Practice
Following Determination of Major
Disaster**
Iowa Court Rule 31.17

Pursuant to Iowa Court Rule 31.17(6) the undersigned must complete the following:

1. Name

Lawyer's full name: first, middle, last

Name of Lawyer's firm

2. Home state information

Residential address in lawyer's home state:

Business address in lawyer's home state:

Telephone numbers in lawyer's home state:

Email addresses:

3. Iowa information

Residential address in Iowa:

Business address in Iowa:

Telephone numbers in Iowa:

Email addresses:

Rule 31.25—Form 3: *Registration Statement for Lawyer Engaging in Temporary Practice Following Determination of Major Disaster*, continued

4. Bar admission

List the courts before which you have been admitted to practice, the respective periods of admission, and your registration or bar numbers.

Is your license to practice currently subject to disbarment, suspension, or restrictions in any jurisdiction? ☐ Yes ☐ No

If yes, on a separate page specify the proceedings and attach copies of all related documents.

5. Temporary Practice Following Determination of Major Disaster

Specify whether you will engage in temporary practice pursuant to:

Check all that apply

- ☐ Iowa Court Rule 31.17(2) (pro bono legal services).
- ☐ Iowa Court Rule 31.17(3) (legal services reasonably related to lawyer's practice of law in the other jurisdiction, or area of such other jurisdiction, where the disaster occurred).

I agree that I am subject to the disciplinary procedures and authority of this court and the Iowa Rules of Professional Conduct, the Standards for Professional Conduct, and any applicable local rules and procedures. ☐ Yes ☐ No

Oath and Signature

I, _____, have read this Registration Statement, and
Print your name

I certify under penalty of perjury and pursuant to the laws of the State of Iowa that the preceding is true and correct and that I am licensed and in good standing and authorized to practice law in each jurisdiction listed above and my license is not subject to suspension or restriction in any jurisdiction.

_____, 20____
 Signed on: Month Day Year Your signature*

 Mailing address City State ZIP code

(_____) _____
 Telephone number Email address Additional email address, if applicable

**If filing in paper, you must handwrite your signature on this form. If filing electronically, you may handwrite your signature on the form, scan the form, and then file it electronically, or, you may affix a digitized signature and file the form electronically.*

CHAPTER 34

ADMINISTRATIVE AND GENERAL PROVISIONS

GRIEVANCE COMMISSION AND ATTORNEY DISCIPLINARY BOARD

Rule 34.1	Iowa Supreme Court Grievance Commission
Rule 34.2	Grievance commission; vice chair duties
Rule 34.3	Substitutions and vacancies on the grievance commission
Rule 34.4	Confidentiality of grievance commission
Rule 34.5	Retention of grievance commission records

ATTORNEY DISCIPLINARY BOARD

Rule 34.6	Iowa Supreme Court Attorney Disciplinary Board
Rule 34.7	Disciplinary board advisory opinions prohibited
Rule 34.8	Retention of disciplinary board records

GENERAL DISCIPLINARY RULES OF GRIEVANCE COMMISSION AND ATTORNEY DISCIPLINARY BOARD

Rule 34.9	Effective dates
Rule 34.10	Jurisdiction
Rule 34.11	Reserved
Rule 34.12	Immunity
Rule 34.13	Reports
Rule 34.14	Interim suspension for threat of harm
Rule 34.15	Suspension on conviction of a crime
Rule 34.16	Suspension or disbarment on consent
Rule 34.17	Disability suspension
Rule 34.18	Death, suspension, or disbarment of practicing attorney
Rule 34.19	Reciprocal discipline
Rule 34.20	Suspension of attorney's license for failure to comply with a child support order
Rule 34.21	Suspension of attorney's license for failure to comply with an obligation owed to or collected by the Iowa College Student Aid Commission
Rule 34.22	Suspension of attorney's license for failure to comply with an obligation owed to or collected by the Central Collection Unit of the Iowa Department of Revenue
Rule 34.23	Suspension generally
Rule 34.24	Notification of clients and counsel

REINSTATEMENT AND READMISSION

Rule 34.25	Procedure on application for reinstatement or readmission
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CHAPTER 34

ADMINISTRATIVE AND GENERAL PROVISIONS

GRIEVANCE COMMISSION AND ATTORNEY DISCIPLINARY BOARD

Rule 34.1 Iowa Supreme Court Grievance Commission.

34.1(1) There is hereby created the Iowa Supreme Court Grievance Commission (grievance commission) consisting of 25 attorneys from judicial election district 5C, 15 attorneys from judicial election district 5A, 10 attorneys from judicial election district 6, and 5 attorneys from each other judicial election district, to be appointed by the supreme court. The supreme court will designate one attorney as grievance commission chair. The supreme court will accept nominations for appointment to the grievance commission from any association of attorneys that maintains an office within the State of Iowa or any attorney licensed in Iowa. The grievance commission also consists of no fewer than 5 or more than 45 laypersons appointed by the court. Members must serve no more than three three-year terms, and no member who has served three full terms is eligible for reappointment. A member serving as a primary or alternate member of a division of the grievance commission at the time the member's regular term ends must, nonetheless, continue to serve on that division until the division has concluded its duties with respect to the complaint for which the division was appointed.

34.1(2) Grievance commission members are referred to as commissioners. The grievance commission or a duly appointed division of the grievance commission must hold hearings and receive evidence concerning alleged violations, wherever such violations occur, of the Iowa Rules of Professional Conduct, the laws of the United States, and the laws of the State of Iowa or any other state or territory within their respective jurisdictions, by attorneys within the jurisdiction of the grievance commission as described in rule 34.10. The grievance commission has such other powers and duties as these rules provide.

34.1(3) A grievance commission member must not represent, in any stage of an investigative or disciplinary proceeding, any attorney against whom an ethical complaint is filed. A grievance commission member may represent an attorney in a malpractice, criminal, or other matter; however, the member must decline representation of the attorney in any stage of the investigative or disciplinary proceeding and must not participate in any hearing or other proceeding before the grievance commission. These prohibitions extend to attorneys associated in a firm with a grievance commission member with respect to those cases in which the member participates or has participated as a member of a division or as an alternate.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018; September 19, 2022, effective October 1, 2022]

COMMENT: Rule 34.1 formerly appeared at Iowa Court Rule 35.1. It is amended to delete the requirement for annual designation of the grievance commission chair. The requirement for administrative committee review of the annual grievance commission budget also is removed. Responsibility for formulation and submission of the annual budget for the grievance commission is addressed in chapter 49 of the Iowa Court Rules. Jurisdictional requirements are deleted from the rule and replaced by a reference to the new jurisdiction provision in rule 34.10. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.2 Grievance commission; vice chair duties. The executive director of the office of professional regulation must designate a clerk and an assistant clerk for the grievance commission. The executive director of the office of professional regulation and the grievance commission chair must designate a vice chair. In the chair's absence or inability to act, the vice chair must perform all duties of the chair.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018; September 14, 2021, effective October 1, 2021]

COMMENT: Rule 34.2 formerly appeared as Iowa Court Rule 36.1. It is amended to remove the specific designation of the assistant director for boards and commissions as the grievance commission clerk to provide more flexibility in assignment of duties within the office of professional regulation. The provision for short-form references to the grievance commission is moved to rule 34.1(1). [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.3 Substitutions and vacancies on the grievance commission.

34.3(1) In the absence of the grievance commission chair and vice chair or inability of the chair and vice chair to perform any of the duties provided in this chapter, the executive director of the office of professional regulation may designate some other member as acting chair to perform the duties.

34.3(2) In the absence or inability of a division president to perform any of the duties provided in this chapter, the chair may designate some other member as acting president to perform the duties. If

a vacancy occurs in any division from any cause, the chair, vice chair, or acting chair of the grievance commission must fill the vacancy.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018; September 14, 2021, effective October 1, 2021]

COMMENT: Rule 34.3 formerly appeared as Iowa Court Rule 36.16. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.4 Confidentiality of grievance commission.

34.4(1) All records, papers, proceedings, meetings, and hearings of the grievance commission are confidential unless the grievance commission recommends that the supreme court reprimand the respondent or suspend or revoke the respondent's license.

34.4(2) If the grievance commission recommends that the supreme court reprimand the respondent or suspend or revoke the respondent's license, the grievance commission's report of reprimand or recommendation for license suspension or revocation is a public document upon its filing with the supreme court clerk. In addition, if the grievance commission recommends the supreme court reprimand the respondent or suspend or revoke the respondent's license, the complaint filed with the grievance commission by the Iowa Supreme Court Attorney Disciplinary Board is a public document.

34.4(3) Any other records and papers of the grievance commission concerning any complaint are privileged and confidential and are not subject to discovery, subpoena, or other means of legal compulsion for their release to a person other than the respondent, the attorneys, or the attorneys' agents involved in the proceeding before the grievance commission. The respondent, the attorneys, or the attorneys' agents involved in the proceeding before the grievance commission must not disclose any records and papers of the grievance commission concerning any complaint to any third parties unless disclosure is required in the prosecution or defense of disciplinary charges. The confidential records and papers of the grievance commission concerning any complaint are not admissible in evidence in a judicial or administrative proceeding other than the formal grievance commission hearing under Iowa Court Rule 36.17.

34.4(4) Every witness in every proceeding under this chapter must swear or affirm to tell the truth and not to disclose the existence of the proceeding or the identity of the respondent until the proceeding is no longer confidential.

34.4(5) All communications, papers, and materials concerning any complaint that may come into the hands of a grievance commission member must remain confidential, and the member must keep them in a safe and secure place.

34.4(6) The grievance commission clerk, the chair, or a grievance commission member the chair designates may issue one or more clarifying announcements when the subject matter of a complaint is of broad public interest and failure to supply information on the status and nature of the formal proceedings could threaten public confidence in the administration of justice. No other grievance commission member may make any public statement concerning any matter before the grievance commission without prior approval of the grievance commission.

34.4(7) Nothing in this chapter prohibits the grievance commission from releasing any information regarding possible criminal violations to appropriate law enforcement authorities, wherever located, or to attorney disciplinary and bar admission authorities in other jurisdictions, or from releasing any information regarding possible violations of the Iowa Code of Judicial Conduct to the Commission on Judicial Qualifications.

34.4(8) For purposes of this rule, a grievance commission recommendation that a respondent not licensed to practice law in Iowa be publicly censured or reprimanded or be ordered, enjoined, or otherwise directed not to practice law in Iowa for any period of time is deemed the equivalent of a recommendation to reprimand, suspend, or revoke.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 34.4 formerly appeared as Iowa Court Rule 36.18. Rule 34.4(8) is added to clarify application of the public disclosure rule to commission recommendations in cases involving respondents not licensed in Iowa. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.5 Retention of grievance commission records.

34.5(1) The grievance commission must permanently retain the complaint, answer, amendments to the complaint and answer, and the grievance commission recommendation for discipline or other disposition for each grievance case. Grievance commission files and records relating to a grievance complaint otherwise may be destroyed after the death of the respondent. For purposes of this rule,

destruction of paper records after the records have been transferred to computer storage is permitted immediately after the transfer.

34.5(2) Notwithstanding any required destruction of documents, the grievance commission will permanently maintain a summary of all grievance matters containing the name of the respondent attorney, the disposition, and the respective dates on which the matter was opened and closed.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 34.5 formerly appeared as Iowa Court Rule 36.19. [Court Order January 26, 2016, effective April 1, 2016]

ATTORNEY DISCIPLINARY BOARD

Rule 34.6 Iowa Supreme Court Attorney Disciplinary Board.

34.6(1) There is hereby created the Iowa Supreme Court Attorney Disciplinary Board (disciplinary board). The disciplinary board consists of nine attorney members and three laypersons appointed by the supreme court. The supreme court will designate one of the attorneys as chair. The disciplinary board may appoint a vice chair who must perform all duties of the chair in the chair's absence or inability to act. The supreme court will accept nominations for appointment to the disciplinary board from any association of attorneys that maintains an office within the State of Iowa or any attorney licensed in Iowa. Members may serve no more than two three-year terms, and no member who has served two full terms is eligible for reappointment. Disciplinary board members are appointed commissioners of the supreme court to initiate or receive and process complaints against any attorney within the jurisdiction of the disciplinary board as described in rule 34.10. Upon completion of any investigation, the board must either dismiss the complaint, admonish or reprimand the attorney, or file and prosecute the complaint before the grievance commission or any grievance commission division. The disciplinary board may additionally refer complaints involving attorneys who are not authorized to practice law in Iowa to the commission on the unauthorized practice of law.

34.6(2) A disciplinary board member must not represent, in any stage of an investigative or disciplinary proceeding, any attorney against whom an ethical complaint is filed. To avoid even the appearance of impropriety, a disciplinary board member should not represent any attorney in any malpractice, criminal, or other matter when it appears that the filing of an ethical complaint against that attorney is reasonably likely. These prohibitions extend to attorneys associated in a firm with a disciplinary board member.

34.6(3) The director of attorney discipline of the office of professional regulation is the principal executive officer of the board. A reference in this chapter to the "director" refers to the director of attorney discipline of the office of professional regulation. The director is responsible to the disciplinary board, to the director of the office of professional regulation, and to the supreme court for proper administration of these rules. Subject to the approval of the supreme court, the disciplinary board may employ such other persons as it deems necessary for the proper administration of this chapter. The director and other disciplinary board employees will receive such compensation and expenses as the supreme court may fix upon recommendation of the director of the office of professional regulation.

34.6(4) The executive director of the office of professional regulation must, at least 60 days prior to the start of each fiscal year or on a date otherwise specified by the supreme court, submit to the supreme court for its consideration and approval a budget covering the operations of the disciplinary board for the upcoming fiscal year. This budget must include proposed expenditures for staff, support staff, office space, equipment, supplies, and other items necessary to administer the responsibilities of the disciplinary board as set out in this chapter. Supreme court approval of the budget authorizes payment as provided in the budget. A separate bank account designated as the ethics operating account of the disciplinary fund must be maintained for payment of authorized expenditures as provided in the approved budget. Funds derived from the annual disciplinary fee set out in Iowa Court Rule 39.5 must be deposited in the ethics operating account to the extent the supreme court authorizes each year for payment of the disciplinary board's authorized expenditures.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018; September 14, 2021, effective October 1, 2021]

COMMENT: Rule 34.6 formerly appeared as Iowa Court Rule 35.2. It is amended to delete the requirement for annual designation of the disciplinary board chair. The requirement for an administrative committee for review and submission of the annual disciplinary board budget also is removed. Responsibility for formulation and submission of the annual budget for the disciplinary board is placed with the director of the office of professional regulation, which is consistent with the budget provisions for other boards and commissions of the office of professional regulation in chapter 49 of the Iowa Court Rules. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.7 Disciplinary board advisory opinions prohibited. The disciplinary board must not render advisory opinions, either orally or in writing.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 34.7 is adapted from rule 4C of the ABA Model Rules for Lawyer Disciplinary Enforcement. The supreme court adopted a similar prohibition for the disciplinary board in 2005. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.8 Retention of disciplinary board records.

34.8(1) The disciplinary board must maintain files and records relating to allegations of misconduct by an attorney until destruction is authorized pursuant to the following schedule:

a. Files and records relating to potential complaints the director declines to open pursuant to Iowa Court Rule 35.4(1) may be destroyed one year from the date of the last action on the file.

b. Files and records relating to complaints the disciplinary board dismisses may be destroyed five years from the date of the last action on the file.

c. All other files and records relating to allegations of respondent misconduct may be destroyed after death of the respondent.

d. For purposes of this rule, destruction of paper files is permitted immediately after the files have been transferred to computer storage.

34.8(2) Notwithstanding any required destruction of documents, the disciplinary board must permanently maintain a summary of all complaint matters containing the name of the complainant and the respondent, the disposition of the complaint, and the respective dates on which the complaint was opened and closed.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018; September 14, 2021, effective October 1, 2021]

COMMENT: Rule 34.8 formerly appeared as Iowa Court Rule 35.29. [Court Order January 26, 2016, effective April 1, 2016]

GENERAL DISCIPLINARY RULES OF GRIEVANCE COMMISSION AND ATTORNEY DISCIPLINARY BOARD

Rule 34.9 Effective dates. The rules in chapters 34, 35, and 36 of the Iowa Court Rules apply prospectively and retrospectively to all alleged violations, complaints, hearings, and dispositions on which a hearing has not actually commenced before the grievance commission prior to April 1, 2016.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 34.9 formerly appeared as Iowa Court Rule 35.26. It is amended to make clear its application to all three chapters. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.10 Jurisdiction.

34.10(1) *Attorneys admitted to practice.* Any attorney admitted to practice law in the State of Iowa, including any formerly admitted attorney with respect to acts committed prior to suspension, disbarment, retirement, or transfer to inactive status or with respect to subsequent acts that amount to the practice of law or constitute a violation of the rules of this chapter or of the Iowa Rules of Professional Conduct or of any rules or code the supreme court subsequently adopts in lieu thereof, any attorney an Iowa court specially admits for a particular proceeding, and any attorney not admitted in Iowa who practices law or renders or offers to render any legal services in Iowa is subject to the disciplinary jurisdiction of the Iowa Supreme Court, the disciplinary board, and the grievance commission.

34.10(2) *Former judges.* A former judge who has resumed the status of an attorney is subject to the jurisdiction of the disciplinary board and the grievance commission not only for conduct as an attorney but also for misconduct that occurred while the attorney was a judge and that would have been grounds for discipline under the rules of professional conduct for attorneys, provided that the misconduct was not the subject of a judicial disciplinary proceeding as to which the Iowa Supreme Court has reached a final determination.

34.10(3) *Incumbent judges.* Incumbent judges are not subject to the jurisdiction of the disciplinary board or the grievance commission. However, if an incumbent judge is to be removed from office in the course of a judicial discipline or disability proceeding, the supreme court will first provide the disciplinary board and the respondent an opportunity to submit a recommendation regarding whether attorney discipline should be imposed, and if so, the extent of the discipline.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 34.10 is adapted from rule 6 of the ABA Model Rules for Lawyer Disciplinary Enforcement. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.11 Reserved.**Rule 34.12 Immunity.**

34.12(1) Complaints submitted to the grievance commission or the disciplinary board and testimony regarding the complaints are privileged, and no lawsuit may be based on the complaints or testimony.

34.12(2) Claims against members of the grievance commission, the disciplinary board, the executive director, directors, or the staff of the office of professional regulation are subject to the Iowa Tort Claims Act set forth in Iowa Code chapter 669.

34.12(3) On application from the disciplinary board or the grievance commission and notice to the appropriate prosecuting authority, the supreme court may grant immunity from criminal prosecution to a witness in a disciplinary or disability proceeding.

[Court Order January 26, 2016, effective April 1, 2016; September 14, 2021, effective October 1, 2021]

COMMENT: Rules 34.12(1) and 34.12(2) formerly appeared at Iowa Court Rule 35.24. Rule 34.12(3) is adapted from rule 12B of the ABA Model Rules for Lawyer Disciplinary Enforcement. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.13 Reports. The chair of the grievance commission and the chair of the disciplinary board must, on or before March 1 of each year, submit to the supreme court a consolidated report of the number of complaints received and processed during the prior calendar year, a synopsis of each complaint, and the disposition of the complaint. The name of the attorney charged and the name of the complainant must be omitted.

[Court Order January 26, 2016, effective April 1, 2016; July 24, 2019, effective August 1, 2019]

COMMENT: Rule 34.13 formerly appeared as Iowa Court Rule 35.25. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.14 Interim suspension for threat of harm.

34.14(1) Upon receipt of evidence demonstrating probable cause that an attorney subject to the disciplinary jurisdiction of the supreme court has committed a violation of the Iowa Rules of Professional Conduct that poses a substantial threat of serious harm to the public, the disciplinary board must do the following:

a. Transmit the evidence to the supreme court with a verified petition for interim suspension pending formal disciplinary proceedings. The petition must state with particularity the disciplinary rules the attorney is alleged to have violated and the exact nature of the threat of serious harm to the public.

b. Promptly notify the attorney by any reasonable means that a petition has been filed and provide service of the petition.

34.14(2) Upon receipt of the petition and evidence, the supreme court will determine whether the disciplinary board has established by a convincing preponderance of the evidence that a disciplinary violation posing a substantial threat of serious harm to the public exists. If a disciplinary violation is established, the supreme court may enter an order immediately suspending the attorney pending final disposition of a disciplinary proceeding based on the conduct, or the court may order such other action as it deems appropriate. The order may provide that any further proceedings based on the attorney's conduct be expedited. If the supreme court enters a suspension order, the court may direct the chief judge of the judicial district in which the attorney practiced to appoint a trustee under rule 34.18.

34.14(3) An attorney suspended pursuant to this rule may file a petition to dissolve or modify the interim suspension order. The attorney must serve the petition on the disciplinary board's counsel and the chief judge of the judicial district in which the attorney practiced. The supreme court will promptly schedule the matter for hearing before one or more justices. The hearing must be set for a date no sooner than seven days after the petition is filed unless both parties and the court agree to an earlier date. At the hearing, the attorney has the burden of demonstrating that the suspension order should be dissolved or modified.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 34.14 formerly appeared as Iowa Court Rule 35.4. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.15 Suspension on conviction of a crime.

34.15(1) Upon the supreme court's receipt of satisfactory evidence that an attorney has pled guilty or nolo contendere to, or has been convicted of, a crime that would be grounds for license suspension or revocation, the court may temporarily suspend the attorney from the practice of law regardless of the pendency of an appeal. Not fewer than 20 days prior to the effective date of the suspension, the attorney must be notified in writing, directed by restricted certified mail to the attorney's last address

as shown by the records accessible to the supreme court, that the attorney has a right to appear before one or more justices of the supreme court at a specified time and at a designated place to show cause why such suspension should not take place. Any hearing will be informal and the strict rules of evidence will not apply. The court's decision may simply state the conclusion and decision of the participating justice or justices and may be orally delivered to the attorney at the close of the hearing or sent to the attorney in written form at a later time.

34.15(2) Any attorney suspended pursuant to this rule must refrain during the suspension from all facets of ordinary law practice including, but not limited to, the examination of abstracts; consummation of real estate transactions; preparation of legal briefs, deeds, buy and sell agreements, contracts, wills, and tax returns; acting as a fiduciary; and when possible, advertising of the attorney's services or holding out to the public that he or she is a licensed attorney. The suspended attorney may, however, act as a fiduciary for an estate, conservatorship, or guardianship, of any person related to the suspended attorney within the second degree of affinity or consanguinity.

34.15(3) For good cause shown, the supreme court may set aside an order temporarily suspending an attorney from the practice of law as provided above upon the attorney's application and a hearing in accordance with rule 34.25, but such reinstatement does not terminate a pending disciplinary proceeding or bar later proceedings against the attorney.

34.15(4) An attorney temporarily suspended under the provisions of this rule must be promptly reinstated upon the filing of sufficient evidence disclosing that the underlying conviction of a crime has been finally reversed or set aside, but such reinstatement does not terminate a pending disciplinary proceeding or bar later proceedings against the attorney.

34.15(5) The clerk of any court in this state in which an attorney has pled guilty or nolo contendere to or been convicted of a crime as set forth above must, within 10 days, transmit a certified record of the proceedings to the supreme court clerk.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 34.15 formerly appeared as Iowa Court Rule 35.15. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.16 Suspension or revocation on consent.

34.16(1) An attorney subject to investigation by the disciplinary board or the Client Security Commission or subject to a pending grievance proceeding involving allegations of misconduct subject to disciplinary action may acquiesce to suspension or revocation but only by filing with the grievance commission an affidavit stating that the attorney consents to suspension of not more than a specific duration or to revocation. If a grievance proceeding is already scheduled for hearing, any such affidavit must be filed at least 15 days before the scheduled hearing date unless the 15-day limit is waived by the panel president. All affidavits filed under this rule must indicate the following:

a. The consent is freely and voluntarily given without any coercion or duress and with full recognition of all implications of the consent.

b. The attorney is aware of a pending investigation or proceeding involving allegations that there exist grounds for discipline, the nature of which will be specifically set forth.

c. The attorney acknowledges the material facts of the alleged misconduct are true.

d. In the event proceedings were instituted upon the matters under investigation, or if existing proceedings were pursued, the attorney could not successfully defend against the allegations.

e. The facts admitted in the affidavit would likely result in the suspension or revocation of the attorney's license to practice law.

f. Any matters in mitigation or aggravation of the alleged misconduct.

g. Consent to any alternative or additional sanctions as provided in Iowa Court Rule 36.19.

34.16(2) The disciplinary board or Client Security Commission must file a response to the affidavit, indicating whether it believes the misconduct admitted in the affidavit would likely result in suspension or revocation of the attorney's license to practice law and citing any legal authorities supporting its conclusion.

34.16(3) Upon receipt of the affidavit and response, the grievance commission must file the affidavit and response with the supreme court clerk. The supreme court may enter an order suspending the attorney's license to practice law for a period no greater than the stipulated duration or disbarring the attorney on consent, unless the court determines the misconduct admitted in the affidavit is insufficient to support the discipline to which the attorney has consented. The supreme court may also order any of the alternative or additional sanctions to which the respondent has consented. If the supreme court determines the affidavit does not set forth facts that support imposition of the discipline to which the attorney has consented, it may either enter an order

allowing the parties to supplement the affidavit or an order declining to accept the affidavit. An order declining to accept the affidavit does not bar further disciplinary proceedings against the attorney, and does not preclude the supreme court from imposing any sanction the attorney's conduct warrants upon review of a grievance commission determination.

34.16(4) Any order suspending or disbaring an attorney on consent is a matter of public record. If the supreme court enters an order of suspension or disbarment, the affidavit and response will be made available to the public upon request.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018; October 24, 2019, effective January 1, 2020; December 16, 2019, effective January 1, 2020; September 14, 2021, effective October 1, 2021]

COMMENT: Rule 34.16 formerly appeared as Iowa Court Rule 35.16. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.17 Disability suspension.

34.17(1) In the event an attorney is at any time in any jurisdiction duly adjudicated a mentally incapacitated person, or a person with a substance-related disorder, or is committed to an institution or hospital for treatment thereof, the clerk of any court in Iowa in which the adjudication or commitment is entered must, within 10 days, certify the adjudication or commitment to the supreme court clerk.

34.17(2) Upon the filing of an adjudication or commitment certificate or a like certificate from another jurisdiction, upon a supreme court determination pursuant to a sworn application on behalf of a local bar association, or upon a disciplinary board determination that an attorney is not discharging professional responsibilities due to disability, incapacity, abandonment of practice, or disappearance, the supreme court may enter an order suspending the attorney's license to practice law in this state until further order of the court. Not fewer than 20 days prior to the effective date of the suspension, the attorney or the attorney's guardian, and the director of the institution or hospital to which the attorney has been committed, if any, must be notified in writing, directed by restricted certified mail to the attorney's last address as shown in the records accessible to the supreme court, that the attorney has a right to appear before one or more justices of the supreme court at a specified time and place and show cause why such suspension should not take place. Upon a showing of exigent circumstances, emergency, or other compelling cause, the supreme court may reduce or waive the 20-day period and the effective date of action set forth above. Any hearing will be informal and the strict rules of evidence will not apply. The court's decision may simply state the conclusion and decision of the participating justice or justices and may be orally delivered to the attorney at the close of the hearing or sent to the attorney in written form at a later time. A copy of the order must be given to the suspended attorney or to the attorney's guardian and to the director of the institution or hospital to which the suspended attorney has been committed, if any, by restricted mail or personal service as the supreme court may direct.

34.17(3) Upon the voluntary retirement of an Iowa judicial officer for disability under Iowa Code section 602.9112, or upon the involuntary retirement of an Iowa judicial officer for disability under Iowa Code section 602.2106(3)(a), the supreme court may enter an order suspending the retired judicial officer's license to practice law in this state in the event the underlying disability prevents the discharge of an attorney's professional responsibilities. The suspension is effective until further order of the supreme court. A copy of the suspension order must be given to the suspended attorney or to the attorney's guardian and to the director of the institution or hospital to which the suspended attorney is committed, if any, by restricted mail or personal service as the supreme court may direct.

34.17(4) Any attorney suspended pursuant to rule 34.17 must refrain, during the suspension, from all facets of ordinary law practice including, but not limited to, the examination of abstracts; consummation of real estate transactions; preparation of legal briefs, deeds, buy and sell agreements, contracts, wills, and tax returns; acting as a fiduciary; and when possible, advertising of the attorney's services or holding out to the public that he or she is a licensed attorney. The suspended attorney may, however, act as a fiduciary for an estate, including a conservatorship or guardianship, of any person related to the suspended attorney within the second degree of affinity or consanguinity.

34.17(5) No attorney suspended due to disability under rule 34.17 may engage in the practice of law in this state until reinstated by supreme court order.

34.17(6)

a. Upon being notified of the suspension of an attorney, the chief judge in the judicial district in which the attorney practiced may appoint the Client Security Commission, an attorney, or attorneys to serve as trustee to inventory the attorney's files, sequester client funds, and take any other appropriate action to protect the interests of the attorney's clients and other affected persons. In appointing a

trustee, the chief judge will give due regard to any designation or standby nomination made under the provisions of Iowa Court Rule 39.18 and to the recommendation of the office of professional regulation. Any trustee appointment other than the Client Security Commission itself is subject to supreme court confirmation. The appointed attorney serves as a special member of the Client Security Commission for the purposes of the appointment.

b. While acting as trustee, the trustee must not serve as an attorney for the clients of the suspended attorney or other affected persons. The trustee also must not examine any papers or acquire any information concerning real or potential conflicts with the trustee's clients. Should any such information be acquired inadvertently, the trustee must, as to such matters, protect the privacy interests of the suspended attorney's clients by prompt recusal or refusal of employment.

c. The trustee may seek reasonable fees and reimbursement of costs of the trust from the suspended attorney. If reasonable efforts to collect such fees and costs are unsuccessful, the trustee may submit a claim for payment from the Clients' Security Trust Fund of the Bar of Iowa. The Client Security Commission, in the exercise of its sole discretion, will determine the merits of the claim and the amount of any payment from the fund.

d. When the suspended attorney is reinstated to practice law in this state, all pending representation of clients is completed, or the purposes of the trust are accomplished, the trustee must apply to the appointing chief judge for an order terminating the trust. Upon termination of the trusteeship or upon request of the Client Security Commission, any undistributed client files may be ordered immediately destroyed.

e. Trustee fees and expenses paid by the Client Security Commission must be assessed to the suspended attorney by the Client Security Commission and are due upon assessment. Trustee fees and expenses assessed under this rule must be paid as a condition of reinstatement and may be collected by the Client Security Commission as part of the annual statement and assessment required by rule 39.8.

34.17(7) Any suspended attorney is entitled to apply for reinstatement to active status once each year or upon the expiration of such shorter intervals as the supreme court may provide. The supreme court may reinstate an attorney suspended due to disability upon a showing by clear and convincing evidence that the attorney's disability has been removed and the attorney is fully qualified to resume the practice of law. Upon the attorney's filing of an application for reinstatement, the supreme court may take or direct any action deemed necessary or proper to determine whether the suspended attorney's disability has been removed, including an examination of the attorney by qualified medical experts as the supreme court may designate. In its discretion the supreme court may direct that the attorney pay the expenses of the examination.

34.17(8) The filing of an application for reinstatement to active status by an attorney suspended due to disability constitutes a waiver of the doctor-patient privilege regarding any treatment of the attorney during the period of the disability. The attorney must also set forth in the application for reinstatement the name of every psychiatrist, psychologist, physician, hospital, or any other institution by whom or in which the attorney has been examined or treated since the disability suspension. The attorney must also furnish to the supreme court written consent that the psychiatrist, psychologist, physician, hospital, or other institution may divulge any information and records the supreme court or any court-appointed medical experts request.

34.17(9) When an attorney has been suspended due to disability and thereafter the attorney is judicially held to be competent or cured, the supreme court may dispense with further evidence regarding removal of the disability and may order reinstatement to active status upon such terms as the court deems reasonable.

[Court Order January 26, 2016, effective April 1, 2016; November 18, 2016, effective December 25, 2017; December 13, 2017, effective January 1, 2018; November 16, 2018, effective December 15, 2018; September 14, 2021, effective October 1, 2021]

COMMENT: Rule 34.17 formerly appeared as Iowa Court Rule 35.17. It is amended to provide for recovery of trustee fees and costs the Client Security Commission pays through the annual assessment and reporting process and also as a condition of reinstatement. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.18 Death, suspension, or disbarment of practicing attorney.

34.18(1) Upon a sworn application on behalf of a local bar association, an attorney or entity designated or nominated on a standby basis as described in Iowa Court Rule 39.18, the Client Security Commission, or the disciplinary board showing that a practicing attorney has died or has been suspended or disbarred from the practice of law and that a reasonable necessity exists, the

chief judge in the judicial district in which the attorney practiced may appoint an attorney or the Client Security Commission to serve as trustee to inventory the attorney's files, sequester client funds, and take any other appropriate action to protect the interests of the attorney's clients and other affected persons. In appointing a trustee, the chief judge will give due regard to any designation or standby nomination made under the provisions of rule 39.18 and the recommendation of the office of professional regulation. Trusteeships are specially assigned to the appointing chief judge, who will hear and rule upon all matters therein. The appointment of an attorney as trustee is subject to supreme court confirmation. The appointed attorney serves as a special member of the Client Security Commission for the purposes of the appointment.

34.18(2) While acting as trustee, the trustee must not serve as an attorney for the clients of the disabled attorney or other affected persons. The trustee also must not examine any papers or acquire any information concerning real or potential conflicts with the trustee's clients. If the trustee acquires such information inadvertently, the trustee must, as to such matters, protect the privacy interests of the suspended attorney's clients by prompt recusal or refusal of employment.

34.18(3) A trustee who seeks compensation for services rendered must first seek reasonable fees and reimbursement of costs of the trust from the deceased attorney's estate or the attorney whose license to practice law has been suspended or revoked. If reasonable efforts to collect such fees and costs are unsuccessful, the trustee may submit a claim for payment from the Clients' Security Trust Fund of the Bar of Iowa. The Client Security Commission, in the exercise of its sole discretion, must determine the merits of the claim and the amount of any payment from the fund.

34.18(4) When all pending representation of clients is completed or the purposes of the trust are accomplished, the trustee must apply to the appointing chief judge for an order terminating the trust. Upon termination of the trusteeship or upon request of the Client Security Commission, any undistributed client files may be ordered immediately destroyed.

34.18(5) Trustee fees and expenses paid by the Client Security Commission must be assessed to the deceased, suspended, relinquished, or disbarred attorney by the Client Security Commission and are due upon assessment. Trustee fees and expenses assessed under this rule must be paid as a condition of reinstatement and may be collected by the Client Security Commission as part of the annual statement and assessment required by Iowa Court Rule 39.8.

[Court Order January 26, 2016, effective April 1, 2016; November 18, 2016, effective December 25, 2017; December 13, 2017, effective January 1, 2018; November 16, 2018, effective December 15, 2018; July 24, 2019, effective August 1, 2019; October 24, 2019, effective January 1, 2020; December 16, 2019, effective January 1, 2020; September 14, 2021, effective October 1, 2021]

COMMENT: Rule 34.18 formerly appeared as Iowa Court Rule 35.18. It is amended to provide for recovery of trustee fees and costs the Client Security Commission pays through the annual assessment and reporting process and also as a condition of reinstatement. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.19 Reciprocal discipline.

34.19(1) Any attorney admitted to practice in this state, upon being subjected to professional disciplinary action in another jurisdiction or in any federal court, must promptly advise the disciplinary board in writing of such action. Upon being informed that an attorney admitted to practice in this state has been the subject of professional discipline in another jurisdiction or any federal court, the disciplinary board must obtain a certified copy of such disciplinary order and file it in the office of the supreme court clerk.

34.19(2) Upon receipt of a certified copy of an order disclosing that an attorney admitted to practice in this state has been disciplined in another jurisdiction or any federal court, the supreme court will promptly give notice of the discipline by restricted certified mail or personal service directed to the attorney containing: a copy of the disciplinary order from the other jurisdiction or federal court and an order directing that the disciplined attorney file in the supreme court, within 30 days after receipt of the notice, any objection that imposition of identical discipline in this state would be too severe or otherwise unwarranted, giving specific reasons. A like notice will be sent, by ordinary mail, to the disciplinary board, which has the right to object on the ground that the imposition of identical discipline in this state would be too lenient or otherwise unwarranted. If either party objects to imposition of identical discipline, the matter will be set for hearing before three or more justices of the supreme court, and the parties will be notified by restricted certified mail at least 10 days prior to the date set. At the hearing, a certified copy of the testimony, transcripts, exhibits, affidavits, and other matters introduced into evidence in the other jurisdiction or federal court must be admitted into evidence as well as any findings of fact, conclusions of law, decisions,

and orders. Any such findings of fact are conclusive and not subject to readjudication. The supreme court may enter such findings, conclusions, and orders that it deems appropriate.

34.19(3) If neither party objects within 30 days from service of the notice, the supreme court may impose the identical discipline, unless the court finds that on the face of the record upon which the discipline is based it clearly appears that any of the following are true:

- a. The disciplinary procedure was so lacking in notice and opportunity to be heard as to constitute a deprivation of due process.
- b. There was such infirmity of proof establishing misconduct as to give rise to the clear conviction that the supreme court could not, conscientiously, accept as final the conclusion on that subject.
- c. The misconduct established warrants substantially different discipline in this state.

34.19(4) If the supreme court determines that any such factors exist, it may enter an appropriate order. Rule 34.25 applies to any subsequent reinstatement or reduction or stay of discipline.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 34.19 formerly appeared as Iowa Court Rule 35.19. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.20 Suspension of attorney's license for failure to comply with a child support order. An attorney who fails to comply with a child support order may be subject to a suspension of the attorney's license to practice law in Iowa.

34.20(1) Procedure. Any certificate of noncompliance with a child support order that involves an attorney must be filed by the Child Support Recovery Unit (CSRU) with the office of professional regulation at 1111 E. Court Ave., Des Moines, Iowa 50319. Upon receipt of the certificate of noncompliance, the office of professional regulation of the supreme court must issue a notice to the attorney. The notice will be sent to the attorney's address on file with the office of professional regulation. The following rules apply and must be recited in the notice:

- a. The attorney's license to practice law will be suspended unless the attorney causes the CSRU to file a withdrawal of certificate of noncompliance within 30 days of the date of issuance of the notice.
- b. The attorney may challenge the CSRU's issuance of the certificate of noncompliance under this rule only by filing an application for hearing with the district court in the county in which the underlying child support order is filed.
- c. The attorney must file the application for hearing with the district court clerk within 30 days of the date of issuance of the notice and must provide copies of the application to the CSRU and the office of professional regulation by regular mail.
- d. Filing of the application automatically stays the supreme court's suspension based on the certificate of noncompliance.
- e. The provisions of this rule prevail over those of any other statute or rule to the extent they may conflict.

34.20(2) District court hearing.

a. Upon receipt of an attorney's application for hearing, the district court clerk must schedule a hearing to be held within 30 days of the date of filing of the application. The district court clerk must mail copies of the order setting hearing to the attorney, the CSRU, and the office of professional regulation.

b. Prior to the hearing, the district court must receive a certified copy of the CSRU's written decision and certificate of noncompliance from the CSRU and a certified copy of the notice from the office of professional regulation.

c. If the attorney fails to appear at the scheduled hearing, the automatic stay of the supreme court's action on the certificate of noncompliance will be lifted.

d. The district court's scope of review is limited to determining if there has been a mistake of fact relating to the attorney's child support delinquency. The court will not consider visitation or custody issues and will not modify the child support order.

e. If the district court concludes the CSRU erred in issuing the certificate of noncompliance or in refusing to issue a withdrawal of certificate of noncompliance, the district court will order the CSRU to file a withdrawal of certificate of noncompliance with the office of professional regulation.

34.20(3) Noncompliance certificate withdrawn. If the CSRU files a withdrawal of certificate of noncompliance, the supreme court will curtail any proceedings pursuant to the certificate of noncompliance or, if necessary, will reinstate the attorney's license to practice law if the attorney is otherwise eligible under supreme court rules and has paid a \$100 reinstatement fee.

34.20(4) Sharing information. Notwithstanding the provisions of any other rule or statute concerning the confidentiality of records, the office of professional regulation is authorized to share

information with the CSRU for the sole purpose of allowing the CSRU to identify attorneys subject to enforcement under Iowa Code chapter 252J or 598.

[Court Order January 26, 2016, effective April 1, 2016; July 24, 2019, effective August 1, 2019; September 14, 2021, effective October 1, 2021]

COMMENT: Rule 34.20 formerly appeared as Iowa Court Rule 35.20. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.21 Suspension of attorney's license for failure to comply with an obligation owed to or collected by the Iowa College Student Aid Commission. An attorney who defaults on an obligation owed to or collected by the Iowa College Student Aid Commission (aid commission) may be subject to suspension of the attorney's license to practice law in Iowa.

34.21(1) Procedure. The aid commission must file any certificate of noncompliance that involves an attorney with the office of professional regulation at 1111 E. Court Ave., Des Moines, Iowa 50319. Upon receipt of the certificate of noncompliance, the office of professional regulation must issue a notice to the attorney. The notice will be sent to the attorney's address on file with the office of professional regulation. The following rules apply and must be recited in the notice:

a. The attorney's license to practice law will be suspended unless the attorney causes the aid commission to file a withdrawal of certificate of noncompliance within 30 days of the date of issuance of the notice.

b. The attorney must contact the aid commission to schedule a conference or to otherwise obtain a withdrawal of the certificate of noncompliance.

c. The attorney may challenge the aid commission's issuance of the certificate of noncompliance under this rule only by filing an application for hearing with the district court in the attorney's county of residence.

d. The attorney must file the application for hearing with the district court clerk within 30 days of the date of issuance of the notice must provide copies of the application to the aid commission and the office of professional regulation by regular mail.

e. Filing of the application automatically stays the supreme court's suspension based on the certificate of noncompliance.

f. The provisions of this rule prevail over those of any other statute or rule to the extent they may conflict.

34.21(2) District court hearing.

a. Upon receipt of an attorney's application for hearing, the district court clerk must schedule a hearing to be held within 30 days of the date of filing of the application. The district court clerk must mail copies of the order setting hearing to the attorney, the aid commission, and the office of professional regulation.

b. Prior to the hearing, the district court must receive a certified copy of the aid commission's written decision, a certificate of noncompliance from the commission, and a certified copy of the notice from the office of professional regulation.

c. If the attorney fails to appear at the scheduled hearing, the automatic stay of the supreme court's action on the certificate of noncompliance will be lifted.

d. The district court's scope of review is limited to determining if there has been a mistake of fact relating to the attorney's delinquency.

e. If the district court concludes the aid commission erred in issuing the certificate of noncompliance or in refusing to issue a withdrawal of the certificate of noncompliance, the court will order the aid commission to file a withdrawal of the certificate of noncompliance with the office of professional regulation.

34.21(3) Noncompliance certificate withdrawn. If the aid commission files a withdrawal of certificate of noncompliance, the supreme court will halt any proceedings pursuant to the certificate of noncompliance or, if necessary, will reinstate the attorney's license to practice law if the attorney is otherwise eligible under supreme court rules and has paid a \$100 reinstatement fee.

34.21(4) Sharing information. Notwithstanding the provisions of any other rule or statute concerning the confidentiality of records, the supreme court clerk and the office of professional regulation are authorized to share information with the aid commission for the sole purpose of allowing the aid commission to identify attorneys subject to enforcement under Iowa Code chapter 261.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018; July 24, 2019, effective August 1, 2019; September 14, 2021, effective October 1, 2021]

COMMENT: Rule 34.21 formerly appeared as Iowa Court Rule 35.21. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.22 Suspension of attorney's license for failure to comply with an obligation owed to or collected by the Central Collection Unit of the Iowa Department of Revenue. An attorney who defaults on an obligation owed to or collected by the Central Collection Unit of the Iowa Department of Revenue (CCU) may be subject to suspension of the attorney's license to practice law in Iowa.

34.22(1) Procedure. The CCU must file any certificate of noncompliance that involves an attorney with the office of professional regulation at 1111 E. Court Ave., Des Moines, Iowa 50319. Upon receipt of the certificate of noncompliance, the office of professional regulation must issue a notice to the attorney. The notice will be sent to the attorney's address on file with the office of professional regulation. The following rules apply and must be recited in the notice:

a. The attorney's license to practice law will be suspended unless the attorney causes the CCU to file a withdrawal of the certificate of noncompliance within 30 days of the date of issuance of the notice.

b. The attorney must contact the CCU to schedule a conference or to otherwise obtain a withdrawal of the certificate of noncompliance.

c. The attorney may challenge the CCU's issuance of the certificate of noncompliance under this rule only by filing an application for hearing with the district court in the county where the majority of the liability was incurred.

d. The attorney must file the application for hearing with the clerk of the district court within 30 days of the date of issuance of the notice and must provide copies of the application to the CCU and the office of professional regulation by regular mail.

e. Filing of the application automatically stays the supreme court's suspension based on the certificate of noncompliance.

f. The provisions of this rule prevail over those of any other statute or rule to the extent they may conflict.

34.22(2) District court hearing.

a. Upon receipt of an attorney's application for hearing, the district court clerk must schedule a hearing to be held within 30 days of the date of filing of the application. The district court clerk must mail copies of the order setting hearing to the attorney, the CCU, and the office of professional regulation.

b. Prior to the hearing, the district court must receive a certified copy of the CCU's written decision and certificate of noncompliance from the CCU and a certified copy of the notice from the office of professional regulation.

c. If the attorney fails to appear at the scheduled hearing, the automatic stay of the supreme court's action on the certificate of noncompliance will be lifted.

d. The district court's scope of review is limited to demonstration of the amount of the liability owed or the identity of the person.

e. If the district court concludes the CCU erred in issuing the certificate of noncompliance or in refusing to issue a withdrawal of the certificate of noncompliance, the court will order the CCU to file a withdrawal of the certificate of noncompliance with the office of professional regulation.

34.22(3) Noncompliance certificate withdrawn. If a withdrawal of the certificate of noncompliance is filed, the supreme court will halt any proceedings pursuant to the certificate of noncompliance or, if necessary, will reinstate the attorney's license to practice law if the attorney is otherwise eligible under supreme court rules and has paid a \$100 reinstatement fee.

34.22(4) Sharing information. Notwithstanding the provisions of any other rule or statute concerning the confidentiality of records, the office of professional regulation is authorized to share information with the CCU for the sole purpose of allowing the CCU to identify attorneys subject to enforcement under Iowa Code chapter 272D.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018; July 24, 2019, effective August 1, 2019; September 14, 2021, effective October 1, 2021]

COMMENT: Rule 34.22 formerly appeared as Iowa Court Rule 35.22. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.23 Suspension generally.

34.23(1) In the event the supreme court suspends an attorney's license to practice law, the suspension continues for the minimum time specified in such order and until the supreme court approves the attorney's written application for reinstatement, if such application is required. The suspension period will start ten days from the date of the order unless the order states otherwise. In the order of suspension or by order at any time before reinstatement, the supreme court may require

the suspended attorney to meet reasonable conditions for reinstatement including, but not limited to, passing the Multistate Professional Responsibility Examination.

34.23(2)

a. An attorney whose license has been suspended for a period not exceeding 60 days is not required to comply with the procedure set forth in rule 34.25 but instead must file an application for reinstatement without hearing at least seven (7) days before the attorney's date of reinstatement, certifying that:

(1) The attorney has completed all of the requirements set forth in the order(s) that suspended the attorney.

(2) All costs assessed under Iowa Court Rule 36.24 are paid and the reporting and fee payment requirements of Iowa Court Rules 39.14(2), 39.17, and 41.10(2) are completed.

(3) The attorney has complied with the notification requirements of rule 34.24.

(4) The attorney is not subject to any denials of reinstatement pursuant to rule 34.25(18), 34.25(19), or 34.25(20).

b. The disciplinary board or Client Security Commission may file and serve within the suspension period an objection to reinstatement of the attorney without hearing. The filing of an objection stays reinstatement until the supreme court orders otherwise. If the disciplinary board or Client Security Commission files an objection, the supreme court will set the matter for hearing and the supreme court clerk must enter written notice in conformance with rule 34.25, except that the court may waive the requirement of a 60-day waiting period prior to the hearing date.

c. Reinstatement will not be ordered until all costs assessed under Iowa Court Rule 36.24 are paid and the reporting and fee payment requirements of rules 39.14(2), 39.17, and 41.10(2) are completed.

34.23(3) Any attorney suspended must refrain during such suspension from all facets of ordinary law practice including, but not limited to, the examination of abstracts; consummation of real estate transactions; preparation of legal briefs, deeds, buy and sell agreements, contracts, wills, and tax returns; acting as a fiduciary; and when possible, advertising of the attorney's services or holding out to the public that he or she is a licensed attorney. Such suspended attorney may, however, act as a fiduciary for an estate, including a conservatorship or guardianship, of any person related to the suspended attorney within the second degree of affinity or consanguinity.

34.23(4) Nothing in this rule precludes an attorney, law firm, or professional association from employing a suspended attorney to perform such limited services as laypersons may ethically perform under all of the following conditions:

a. Notice of employment, together with a full job description, must be provided by the employer and suspended attorney to the disciplinary board before employment commences.

b. The employer and suspended attorney must verify and submit informational reports quarterly to the disciplinary board certifying that no aspect of the suspended attorney's work has involved the unauthorized practice of law.

c. A suspended attorney must not have direct or personal association with any client and must not disburse or otherwise handle funds or property of a client.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018; October 24, 2019, effective January 1, 2020; September 14, 2021, effective October 1, 2021; September 19, 2022, effective October 1, 2022]

COMMENT: Rule 34.23 formerly appeared as Iowa Court Rule 35.13. Rule 34.23(2) is amended from former rule 35.13(2) to make clear that satisfaction of reinstatement requirements with the Commission on Continuing Legal Education and the Client Security Commission is a condition precedent to automatic reinstatement, as it is for reinstatement upon application. The rule also is amended to require curtailment of advertising, to the extent possible, during the period of suspension. [Court Order January 26, 2016, effective April 1, 2016]

Rule 34.24 Notification of clients and counsel.

34.24(1) In every case in which an attorney is ordered to be disbarred or suspended, the attorney must do all of the following:

a. Within 15 days notify in writing the attorney's clients in all pending matters of the need to seek legal advice elsewhere, calling attention to any urgency in seeking the substitution of another attorney.

b. Within 15 days deliver to all clients represented in pending matters any papers or other property to which they are entitled or notify them and any co-counsel of a suitable time and place for obtaining the papers and other property, calling attention to any urgency for obtaining the papers or other property.

c. Within 30 days refund any part of any fees paid in advance that have not been earned.

d. Within 15 days notify opposing counsel in pending litigation or, in the absence of such counsel, the adverse parties of the attorney's disbarment or suspension and consequent disqualification to act as an attorney after the effective date of such discipline or transfer to disability inactive status.

e. Within 15 days file with the court, agency, or tribunal before which the litigation is pending a copy of the notice to opposing counsel or adverse parties.

f. Keep and maintain records of the steps taken to accomplish the foregoing.

g. Within 30 days file with the disciplinary board copies of each notice sent pursuant to the requirements of this rule and proof of complete performance of the requirements. This is a condition for reinstatement to practice.

34.24(2) The times set forth in rules 34.24(1)(c) and 34.24(1)(g) are reduced to 15 days for respondents who are exempted from filing an application for reinstatement under rule 34.23.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 34.24 formerly appeared as Iowa Court Rule 35.23. [Court Order January 26, 2016, effective April 1, 2016]

REINSTATEMENT AND READMISSION

Rule 34.25 Procedure on application for reinstatement or readmission. Any person whose certificate to practice law in this state has been suspended or revoked may apply for reinstatement or readmission subject to the following rules.

34.25(1) Application.

a. A proceeding for reinstatement to the practice of law in Iowa must be commenced by written application to the supreme court filed with the supreme court clerk not more than 60 days prior to expiration of the suspension period.

b. The application must state the date of the applicant's original admission, the date and duration of suspension, and that the applicant has complied in all respects with any orders or judgments of the supreme court relating to the suspension.

c. The application must be verified by the oath of the applicant as to the truth of the statements made in the application.

d. The applicant must also submit to the supreme court satisfactory proof that the applicant, at the time of the application, is of good moral character and in all respects worthy of the right to practice law. The application must be accompanied by the recommendation of at least three reputable attorneys currently practicing law in the judicial district in which the applicant then lives and has lived at least one year prior to filing the application. If the applicant does not reside in the district in which the applicant lived at the time of the suspension, the applicant must also file a recommendation from three attorneys in good standing and currently practicing law in the district where the applicant resided at the time of suspension. The required recommendations may not be from judges or magistrates.

e. The applicant must also submit satisfactory proof that the applicant, at the time of the application, has filed all reports, paid all fees, and completed all continuing legal education requirements of chapters 39, 41, and 42 of the Iowa Court Rules.

f. The applicant must submit satisfactory proof that the Clients' Security Trust Fund of the Bar of Iowa is repaid in full for all client security conduct or that the Client Security Commission has approved a repayment plan.

34.25(2) Procedure. Upon filing of the application and recommendations with the supreme court clerk, the clerk must give written notice containing the date of the suspension, the date of filing the application, and the date of the hearing set by the supreme court, which will be at least 60 days after the filing of such application for reinstatement, to the following persons:

a. The attorney general.

b. The county attorney where the applicant resides.

c. The county attorney where the applicant resided at the time of suspension.

d. The chair of the Iowa Board of Law Examiners.

e. The director of attorney discipline of the office of professional regulation.

f. Each judge of the district in which the applicant resided at the time of suspension.

g. The president of a local bar association where the applicant resides.

h. The president of a local bar association where the applicant resided when the certificate was suspended.

i. The president of The Iowa State Bar Association.

34.25(3) *Written statements.* After receipt of the notice and before the date fixed for hearing, the persons provided notice in rule 34.25(2) may submit to the supreme court clerk written statements of fact and comments regarding the current fitness of the applicant to practice law.

34.25(4) *Notices of witnesses and exhibits.* At least 14 days prior to the scheduled hearing date, the applicant and the disciplinary board must provide notice to the court and the opposing party of the names and expected testimony of any witnesses they intend to produce and must file and serve copies of any exhibits they intend to introduce at the hearing. The opposing party must provide notice of any rebuttal witnesses or exhibits no later than 7 days prior to the scheduled hearing date. The supreme court may waive these deadlines only upon good cause shown.

34.25(5) *Hearing.* The reinstatement hearing will be held at the time and place the supreme court designates. The applicant bears the burden of demonstrating that the applicant is of good moral character, is fit to practice law, and has complied in all respects with the terms of the order or judgment of suspension. The hearing will be public unless the supreme court orders otherwise upon motion of a party. The hearing will be informal and the strict rules of evidence will not apply. The supreme court may impose reasonable time limits on the length of the hearing.

34.25(6) *Decision.* The supreme court will issue its decision as soon as practicable after the hearing. The supreme court may require the applicant to meet reasonable conditions for reinstatement including, but not limited to, passing the Multistate Professional Responsibility Examination.

34.25(7) *Readmission after revocation.* In the event the supreme court revokes an attorney's license to practice law, the attorney is not eligible to apply for readmission until at least five years after the date of revocation. For purposes of rule 34.25, "revoked attorney" includes an attorney whose license to practice law has been revoked or an attorney who has been disbarred. Similarly, "revocation" includes "disbarment" and "revoked" includes "disbarred."

34.25(8) *Pre-filing requirements.* Prior to filing the application, the revoked attorney must:

a. File the attorney's character and fitness application with the National Conference of Bar Examiners (NCBE) and pay the NCBE's application fee.

b. Pay an administrative fee of \$525 to the Iowa Board of Law Examiners.

34.25(9) *Filing and contents of application.* A revoked attorney's application for readmission must:

a. Be filed with the supreme court clerk and be served on the Iowa Board of Law Examiners.

b. State the date of the applicant's original admission, the date of revocation, and that the applicant has complied in all respects with rule 34.24 and any supreme court orders or judgments relating to the revocation.

c. Include satisfactory proof that the applicant is of good moral character and is in all respects worthy of readmission to the bar. The applicant must provide a detailed affidavit describing the applicant's personal, educational, and work history since the date of revocation. The application must be accompanied by the recommendation of at least three reputable attorneys currently practicing law in the judicial district in which the applicant then lives and has lived at least one year prior to filing the application. If the applicant does not reside in the district in which the applicant lived at the time of the revocation, the applicant must also file a recommendation from three reputable attorneys currently practicing law in the district where the applicant resided at the time of revocation. The required recommendations may not be from judges or magistrates.

d. Include satisfactory proof that the applicant, at the time of the application, has paid all fees required by the provisions of chapters 39, 41, and 42 of the Iowa Court Rules.

e. Include satisfactory proof that the Client Security Trust Fund has been repaid in full, or that the Client Security Commission has approved a repayment plan, for all client security claim payments paid from the Client Security Trust Fund under Iowa Court Rule 39.9 based on the applicant's conduct.

f. Include satisfactory proof that the applicant, at the time of the application, has paid all costs assessed against the applicant under rule 36.24.

34.25(10) *Iowa Board of Law Examiners' report.* After the application for readmission is filed with the supreme court clerk, the Iowa Board of Law Examiners will file a report and recommendation with the supreme court regarding the applicant's character and fitness.

34.25(11) *Supreme court actions on application.* Upon review of the application for readmission from a revoked attorney, the supreme court may summarily deny the application, request further information, or set a hearing date and direct the supreme court clerk to give the notice provided under rule 34.25(12). The court may appoint a special master or a hearing panel to conduct the hearing. The hearing date must in no case be fewer than 60 days after the filing of the application for readmission.

Any order denying readmission may state whether the attorney is allowed to file a future application and, if so, the minimum amount of time before the application may be filed.

34.25(12) Procedure. Upon direction of the supreme court, the supreme court clerk must give written notice of the revoked attorney's application for readmission containing the date of the revocation, the date of filing the application, and the date of the hearing set by the court, if any, to the following persons:

- a. The attorney general.
- b. The county attorney where the applicant resides.
- c. The county attorney where the applicant resided at the time of revocation.
- d. The chair of the Iowa Board of Law Examiners.
- e. The director of attorney discipline of the office of professional regulation.
- f. Each judge of the district in which the applicant resided at the time of revocation.
- g. The president of a local bar association where the applicant resides.
- h. The president of a local bar association where the applicant resided at the time of revocation.
- i. The president of The Iowa State Bar Association.

34.25(13) Written statements. Such persons, after receipt of the notice and before the date fixed for hearing, may submit to the supreme court clerk written statements of fact and comments regarding the applicant's current fitness to practice law.

34.25(14) Notices of witnesses and exhibits. At least 14 days prior to the scheduled hearing date, the applicant and the disciplinary board must provide the supreme court or the special master or hearing panel, if applicable, and the opposing party notice of the names and expected testimony of any witnesses they intend to produce, and they must file and serve copies of any exhibits they intend to introduce at the hearing. The parties may provide notice of any rebuttal witnesses or exhibits no later than 7 days prior to the scheduled hearing date. The court, or the special master or hearing panel, if applicable, may waive these deadlines only upon good cause shown.

34.25(15) Hearing. The readmission hearing will be held at the time and place the supreme court designates. The applicant bears the burden of demonstrating that the applicant is of good moral character, is fit to practice law, and has complied in all respects with the terms of the order or judgment of revocation. The hearing will be public unless the supreme court orders otherwise upon motion of a party. The hearing will be informal, and strict rules of evidence will not apply. The supreme court may impose reasonable time limits on the length of the hearing. The hearing must be recorded.

34.25(16) Decision.

a. The supreme court's decision will be determined by majority vote of those justices participating in the proceeding. Any special master or hearing panel appointed to conduct a hearing must file a report containing findings of fact with the supreme court clerk within 30 days after the hearing. The court's review of the record made before the special master or hearing panel will be de novo. An attorney's readmission to practice in another jurisdiction following revocation in Iowa is not binding on the decision of the supreme court on any application for readmission to practice in Iowa. The decision rests in the sole discretion of the supreme court.

b. The supreme court in its discretion may place conditions on readmission, including, but not limited to, passing the Iowa bar examination. If the supreme court does not require the applicant to pass the bar examination, it will impose a requirement that the applicant must report up to 100 hours of continuing legal education. If the applicant refuses or fails to perform any of the conditions, the court may enter an order summarily denying the application or revoking the attorney's license, if admitted, without further hearing. The applicant must post a scaled score of at least 80 on the Multistate Professional Responsibility Exam (MPRE) as a condition of readmission. The MPRE score must be from a test taken no longer than three years prior to the date of filing of the application for readmission. An applicant may take the MPRE after the court's readmission decision, but the attorney will not be readmitted until the required score is filed.

34.25(17) Applicability of rules to attorneys permanently enjoined from practicing law in Iowa. Rules 34.25(7) through 34.25(16) also apply to attorneys not licensed in Iowa whom the Iowa Supreme Court has enjoined from practicing law in Iowa on a permanent basis. Such attorneys who seek to have the injunction lifted must follow the procedures set forth for revoked attorneys in those rules, and their applications will be processed in the same manner.

34.25(18) Denial of reinstatement for failure to comply with a child support order. An attorney who fails to comply with a child support order may be denied reinstatement of the attorney's license to practice law in Iowa.

a. Procedure. The Child Support Recovery Unit (CSRU) may file with the office of professional regulation any certificate of noncompliance that involves an attorney. Rule 34.20(1) governs the procedure, including notice to the attorney, except that the notice must refer to a refusal to reinstate an attorney's license to practice law instead of a suspension of the attorney's license.

b. District court hearing. Upon receipt of an attorney's application for hearing, the district court clerk must schedule a hearing to be held within 30 days of the date of filing of the application. Rule 34.20(2) governs all matters pertaining to the hearing.

c. Noncompliance certificate withdrawn. If a withdrawal of certificate of noncompliance is filed, the supreme court will curtail any proceedings pursuant to the certificate of noncompliance or, if necessary, will immediately reinstate the attorney's license to practice law if the attorney is otherwise eligible for reinstatement.

d. Sharing information. Notwithstanding the provisions of any other rule or statute concerning the confidentiality of records, the supreme court clerk and the office of professional regulation are authorized to share information with the CSRU for the sole purpose of allowing the CSRU to identify licensees subject to enforcement under Iowa Code chapter 252J or 598.

34.25(19) Denial of reinstatement for default on student loan obligation. An attorney who defaults on an obligation owed to or collected by the Iowa College Student Aid Commission (aid commission) may be denied reinstatement of the attorney's license to practice law in Iowa.

a. Procedure. The aid commission may file with the office of professional regulation any certificate of noncompliance that involves an attorney. Rule 34.21(1) governs the procedure, including notice to the attorney, except that the notice must refer to a refusal to reinstate an attorney's license to practice law instead of a suspension of the attorney's license.

b. District court hearing. Upon receipt of an attorney's application for hearing, the district court clerk must schedule a hearing to be held within 30 days of the date of filing of the application. Rule 34.21(2) governs all matters pertaining to the hearing.

c. Noncompliance certificate withdrawn. If a withdrawal of certificate of noncompliance is filed, the supreme court will halt any proceedings pursuant to the certificate of noncompliance or, if necessary, will immediately reinstate the attorney's license to practice law if the attorney is otherwise eligible for reinstatement.

d. Sharing information. Notwithstanding the provisions of any other rule or statute concerning the confidentiality of records, the supreme court clerk and the office of professional regulation are authorized to share information with the aid commission for the sole purpose of allowing the aid commission to identify attorneys subject to enforcement under Iowa Code chapter 261.

34.25(20) Denial of reinstatement for failure to comply with an obligation owed to or collected by the Central Collection Unit of the Iowa Department of Revenue. An attorney who defaults on an obligation owed to or collected by the Central Collection Unit of the Iowa Department of Revenue (CCU) may be denied reinstatement of the attorney's license to practice law in Iowa.

a. Procedure. The CCU may file with the office of professional regulation any certificate of noncompliance that involves an attorney. Rule 34.22(1) governs the procedure, including notice to the attorney, except that the notice must refer to a refusal to reinstate an attorney's license to practice law instead of a suspension of the attorney's license.

b. District court hearing. Upon receipt of an attorney's application for hearing, the district court clerk must schedule a hearing to be held within 30 days of the date of filing of the application. Rule 34.22(2) governs all matters pertaining to the hearing.

c. Noncompliance certificate withdrawn. If a withdrawal of a certificate of noncompliance is filed, the supreme court will halt any proceedings pursuant to the certificate of noncompliance or, if necessary, will immediately reinstate the attorney's license to practice law if the attorney is otherwise eligible for reinstatement.

d. Sharing information. Notwithstanding the provisions of any other rule or statute concerning the confidentiality of records, the supreme court clerk and the office of professional regulation are authorized to share information with the aid commission for the sole purpose of allowing the aid commission to identify attorneys subject to enforcement under Iowa Code chapter 261.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018; July 24, 2019, effective August 1, 2019; September 14, 2021, effective October 1, 2021]

COMMENT: Rule 34.25 formerly appeared as Iowa Court Rule 35.14. [Court Order January 26, 2016, effective April 1, 2016]

CHAPTER 35
IOWA SUPREME COURT ATTORNEY DISCIPLINARY BOARD
RULES OF PROCEDURE

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Form 1:	Iowa Supreme Court Attorney Disciplinary Board Complaint Form

CHAPTER 35

IOWA SUPREME COURT ATTORNEY DISCIPLINARY BOARD RULES OF PROCEDURE

Rule 35.1 Complaints. Complaints alleging that an attorney has committed a disciplinary infraction must be accepted from any person, firm, or other entity. The Iowa Supreme Court Attorney Disciplinary Board (disciplinary board) may, upon its own motion, initiate any investigation or disciplinary action.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 35.1 substantially appeared as former Iowa Court Rule 34.1. [Court Order January 26, 2016, effective April 1, 2016]

Rule 35.2 Form of complaint. Complaint forms, found in rule 35.15, must be available to the public from the disciplinary board. Complaints must be certified under penalty of perjury, except when filed by an officer of the court, and may include whatever supporting documents the complainant desires to submit.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 35.2 formerly appeared as Iowa Court Rule 34.2. It is amended to conform an internal reference to the new rule numbers, and to reflect actual practice with respect to dissemination of complaint forms. [Court Order January 26, 2016, effective April 1, 2016]

Rule 35.3 Filing. Complaints must be filed, without charge, with the disciplinary board.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 35.3 formerly appeared as Iowa Court Rule 34.3. [Court Order January 26, 2016, effective April 1, 2016]

Rule 35.4 Procedure upon receipt of complaint.

35.4(1) Upon receiving a complaint, the assistant director for attorney discipline must evaluate all information coming to his or her attention from the complaint or from any other sources alleging attorney misconduct or incapacity. The assistant director is authorized to decline to open an investigation of a complaint if the information, if true, would not constitute misconduct or incapacity or if the complaint is facially frivolous, stale, lacking in adequate factual detail, duplicative, outside the disciplinary board's jurisdiction, or does not otherwise reasonably warrant investigation. The disciplinary board may adopt policies to guide the assistant director in the exercise of this authority.

35.4(2) The disciplinary board must make a record indicating the date on which the complaint was filed, the name and address of the complainant, the name and address of the respondent, and a brief statement of the charges made. This record ultimately must show the final disposition of the matter when it is completed.

35.4(3) The disciplinary board must keep all files confidential, unless the board chair or the chair's designee otherwise provides or directs in writing for disciplinary purposes or pursuant to a specific supreme court rule. All files must be available for examination and reproduction by the designated officer or agent of the Client Security Commission, pursuant to proceedings under chapter 39 of the Iowa Court Rules.

35.4(4) Any such files, except for the work product of staff counsel, investigators, or assistant directors of the disciplinary board, must be provided to the respondent within a reasonable time upon the respondent's request. For purposes of this rule, "work product" does not include a written statement signed or otherwise adopted or approved by the person making it or a contemporaneous and substantially verbatim transcript or recording of a person's oral statement.

35.4(5) A potential complaint declined pursuant to this rule may not be deemed a complaint for any purpose. A potential complaint declined pursuant to this rule will not be docketed under rule 35.4(2), and the disciplinary board or the respondent must not report or disclose the complaint to any person or authority for any reason.

35.4(6) A true copy of any complaint against a current member of the grievance commission or the disciplinary board involving alleged violations of an attorney's oath of office or of the Iowa Rules of Professional Conduct or laws of the United States or State of Iowa must be promptly forwarded to the Chief Justice of the Iowa Supreme Court.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rules 35.4(1) through 35.4(5) formerly appeared at Iowa Court Rule 34.4. Rule 35.4(6) formerly appeared as Iowa Court Rule 35.24(3). Rule 35.4 is amended to conform an internal reference to the new rule numbers. [Court Order January 26, 2016, effective April 1, 2016]

Rule 35.5 Notification of complainant. Upon receipt of any complaint, the disciplinary board must notify the complainant in writing that the board has received the complaint and will act upon it or that pursuant to rule 35.4(1) the board will take no action on the complaint.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 35.5 formerly appeared as Iowa Court Rule 34.5. It is amended to conform an internal rule reference to the new rule numbers, and the rule title is changed to more accurately describe this step in disciplinary board procedure. [Court Order January 26, 2016, effective April 1, 2016]

Rule 35.6 Notification of respondent; response.

35.6(1) The disciplinary board must forward to the respondent a copy of the complaint and copies of chapters 35 and 36 of the Iowa Court Rules. However, if a potential complaint is declined pursuant to rule 35.4(1), the disciplinary board need not notify the respondent and no response is required.

35.6(2) The disciplinary board may forward the complaint to the respondent by restricted certified mail, marked “Confidential,” to the respondent’s last address as shown by records accessible to the supreme court, or the board may serve the complaint by personal service in the manner of an original notice in civil suits.

35.6(3) If service cannot be obtained pursuant to rule 35.6(2), the disciplinary board may serve the complaint on the supreme court clerk, who is appointed to receive service on behalf of attorneys subject to Iowa’s disciplinary authority. Iowa R. Prof’l Conduct 32:8.5 cmt. [1]. Service upon the supreme court clerk is deemed to be receipt of the complaint by the respondent. Simultaneously with serving a complaint on the supreme court clerk, the disciplinary board must forward the complaint to the respondent by restricted certified mail, marked “Confidential,” to the respondent’s last address as shown by records accessible to the supreme court, and the board must file with the supreme court clerk an affidavit attesting that it has done so.

35.6(4) The respondent must provide a written response within 20 days of receipt of the complaint. [Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 35.6 formerly appeared as Iowa Court Rule 34.6. It is amended to conform internal references to the new rule numbers. [Court Order January 26, 2016, effective April 1, 2016]

Rule 35.7 Failure to respond; notice; effect.

35.7(1) *Failure to respond—separate ethical violation.* If after 20 days no response has been received, the respondent must be notified by restricted certified mail that unless a response is made within 10 days from receipt of notice, the disciplinary board may file a complaint with the Grievance Commission of the Supreme Court of Iowa (grievance commission) for failure to respond and concerning all or any portion of the matter about which the original complaint was made. If service cannot be obtained by restricted certified mail, the disciplinary board may serve the notice on the supreme court clerk, who is appointed to receive service on behalf of attorneys subject to Iowa’s disciplinary authority. Iowa R. of Prof’l Conduct 32:8.5 cmt. [1]. Service upon the supreme court clerk is deemed to be receipt of the notice by the respondent.

35.7(2) *Enlargement of time to respond.* The disciplinary board may grant an enlargement of time to respond under rule 35.6 or 35.7(1) for good cause shown.

35.7(3) *Failure to respond—temporary suspension.* If a response is not provided within 10 days of receipt of the notice issued pursuant to rule 35.7(1) or within the time allowed under rule 35.7(2), the disciplinary board must certify the respondent’s failure to respond to the supreme court clerk.

a. Upon receipt of the disciplinary board’s certificate, the supreme court clerk must issue a notice to the attorney that the attorney’s license to practice law will be temporarily suspended unless the attorney causes the board to file a withdrawal of the certificate within 20 days of the date of issuance of the clerk’s notice.

b. If the attorney responds to the complaint within the 20-day period, the disciplinary board must immediately withdraw the certificate and no suspension will occur.

c. If the disciplinary board has not withdrawn the certificate and the 20-day notice period expires, the court will enter an order temporarily suspending the attorney’s license to practice law in the State of Iowa.

d. If the attorney responds to the complaint after a temporary suspension order is entered, the disciplinary board must, within five days of receiving the response, either withdraw the certificate or file with the supreme court a report indicating that the attorney has responded but stating cause why the attorney’s license should not be reinstated and the suspension should be continued under the provisions of Iowa Court Rule 34.14, 34.15, or 34.16.

e. If the disciplinary board seeks to continue the suspension under the provisions of Iowa Court Rule 34.14, 34.15, or 34.16, the supreme court will either reinstate the attorney or enter an appropriate order under the applicable rule.

f. If the disciplinary board files a withdrawal of the certificate after temporary suspension of the attorney's license, the supreme court will immediately reinstate the attorney's license to practice law if the attorney is otherwise eligible under the rules of the court.

g. During the initial 30 days of a temporary suspension under this rule, the attorney must give the notice Iowa Court Rule 34.24 requires to those clients whose interests may be adversely affected by the attorney's suspension.

h. When the suspension period under this rule exceeds 30 days, the attorney must comply with the requirements of Iowa Court Rule 34.24 as to all clients.

i. An attorney whose license is suspended under the provisions of rule 35.7(3)(c) must pay a fee of \$100 to the office of professional regulation as a condition precedent to reinstatement.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 35.7 formerly appeared as Iowa Court Rule 34.7. It is amended to conform internal references to the new rule numbers. [Court Order January 26, 2016, effective April 1, 2016]

Rule 35.8 Disciplinary board actions upon receipt of response.

35.8(1) Upon receipt of a response, the disciplinary board must do one of the following:

- a.* Dismiss the complaint and notify the complainant and the respondent of the dismissal in writing.
- b.* Cause the case to be docketed for disciplinary board consideration at its next hearing-meeting.
- c.* Arrange for the disciplinary board's counsel or another entity to investigate the complaint as the board chair or the chair's designee deems appropriate.

(1) All investigations done by a person or entity other than the disciplinary board's counsel or its in-house staff must be done in a manner as directed by and under the supervision of the board.

(2) The results of the investigation must be forwarded to the disciplinary board with any recommendation for the board's final action.

35.8(2) The disciplinary board has subpoena power during any investigation conducted on its behalf to compel the appearance of witnesses or the production of documents before the person or entity designated to conduct the investigation on behalf of the board.

35.8(3) The disciplinary board chair, or any other board member in the absence of the chair, has authority to issue subpoenas.

35.8(4) The district court for the county in which the investigation is being conducted has jurisdiction over any objection or motion relating to a subpoena, and it has authority to punish disobedience of a subpoena in a contempt proceeding.

35.8(5) The board's counsel or any other person authorized to administer oaths has authority to administer an oath or affirmation to a witness.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 35.8 formerly appeared as Iowa Court Rule 34.8. [Court Order January 26, 2016, effective April 1, 2016]

Rule 35.9 Disciplinary board action upon report and recommendation of investigator. When the report and recommendation of the investigator is returned to the disciplinary board, the board must do one of the following:

35.9(1) Dismiss the complaint and notify the complainant and the respondent of the dismissal.

35.9(2) Cause the case to be docketed for consideration at its next hearing-meeting.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 35.9 formerly appeared as Iowa Court Rule 34.9. [Court Order January 26, 2016, effective April 1, 2016]

Rule 35.10 Prior notice of witnesses. If any witness or party is required to give testimony before the disciplinary board, the witness or party must be given at least seven days' written notice in advance of the hearing-meeting at which the witness or party is required to attend and testify.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 35.10 formerly appeared as Iowa Court Rule 34.10. [Court Order January 26, 2016, effective April 1, 2016]

Rule 35.11 Hearing-meetings. The disciplinary board must hold hearing-meetings at least quarterly and may hold them telephonically. A majority of the disciplinary board constitutes a quorum. The chair, or the chair's designee, must see to the preparation of a record of hearing-meetings, which becomes a part of the permanent files of the supreme court. Any evidence must be taken under oath

or affirmation and may be made of record. Upon completion of the consideration of any matter before the disciplinary board, the members, by majority vote of those present, must do one of the following:

35.11(1) Continue the matter.

35.11(2) Dismiss the complaint and notify the complainant and the respondent of the dismissal.

35.11(3) Admonish the respondent, who must be notified in writing that the respondent has 30 days from the date of mailing to file an exception with the assistant director for attorney discipline, who upon receipt of the exception must then return the admonition to the disciplinary board. The disciplinary board may dismiss, admonish, reprimand, or file a formal complaint with the grievance commission. In cases of admonition, the disciplinary board must notify the complainant of the board's opinion concerning the matter and its communication with the attorney involved.

35.11(4) Reprimand the respondent and file the reprimand as provided in Iowa Court Rule 35.12.

35.11(5) File a complaint before the grievance commission and prosecute the complaint to final determination.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 35.11 formerly appeared as Iowa Court Rule 34.11. It is amended to conform an internal reference to the new rule numbers. [Court Order January 26, 2016, effective April 1, 2016]

Rule 35.12 Reprimand. If the disciplinary board reprimands an attorney, a copy of the reprimand must be filed with the grievance commission clerk, who must cause a copy of the reprimand to be served on the attorney by personal service in the manner of an original notice in civil suits or by restricted certified mail with a notice attached stating that the attorney has 30 days from the date of completed service to file an exception to the reprimand with the grievance commission clerk. Service is complete on the date of personal service or the date shown by the postal receipt of delivery of the notice to the attorney.

35.12(1) If the attorney fails to file an exception to the reprimand, the failure constitutes a waiver of any further proceedings and a consent that the reprimand be made final and public. In that event, the grievance commission clerk must cause a copy of the reprimand to be forwarded to the supreme court clerk, together with proof of service of the reprimand upon the attorney and a statement that the attorney did not file an exception within the time prescribed. The supreme court will then include the reprimand in the records of the court as a public document unless the court remands the matter to the disciplinary board for consideration of another disposition.

35.12(2) In the event the attorney files a timely exception to the reprimand, no report of the reprimand will be made to the supreme court clerk and the reprimand must be stricken from the grievance commission records.

35.12(3) The board may proceed further by filing a complaint against the attorney before the grievance commission. When an exception to a reprimand is filed, the reprimand is not admissible in evidence in any hearing before the grievance commission.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 35.12 formerly appeared as Iowa Court Rule 35.3. [Court Order January 26, 2016, effective April 1, 2016]

Rule 35.13 Order for mental or physical examination or treatment.

35.13(1) *Order requiring examination or treatment.* An attorney who is licensed to practice law in the State of Iowa is, as a condition of licensure, under a duty to submit to a mental or physical examination or subsequent treatment as the disciplinary board may order. The disciplinary board may order the examination or treatment based upon a showing of probable cause to believe the attorney is suffering from a condition that impairs the attorney's ability to discharge professional duties. The disciplinary board may order that the examination or treatment be at the attorney's expense.

35.13(2) *Show cause hearing.* Before the disciplinary board may order an attorney to submit to examination or treatment, it must schedule a hearing to permit the attorney to show cause why the board should not enter the order. At least three members of the disciplinary board must participate in the hearing. At the hearing, the disciplinary board's staff counsel must first present evidence of probable cause supporting the need for examination or treatment. The attorney may then respond to the staff counsel's showing and rebut the claim that the examination or treatment is necessary. The hearing will be informal and the strict rules of evidence will not apply. Following the hearing, the disciplinary board, by majority vote, must either dismiss the matter or enter an order requiring examination or treatment.

35.13(3) *Content of order.* The disciplinary board's order for mental or physical examination or treatment must include the following:

- a. A description of the type of examination or treatment to which the attorney must submit.
- b. The name and address of the examiner or treatment facility that the disciplinary board has identified to perform the examination or provide the treatment.
- c. The time period in which the attorney must schedule the examination or enter treatment.
- d. The amount of time in which the attorney is required to complete the examination or treatment.
- e. A requirement that the attorney provide a report or reports of the examination or treatment results to the disciplinary board within a specified period of time.
- f. A requirement that the attorney communicate with the disciplinary board regarding the status of the examination or treatment.
- g. A provision allowing the attorney to request additional time to schedule the examination or complete the treatment or to request that the disciplinary board approve an alternative examiner or treatment facility. The disciplinary board has sole discretion to determine whether to grant the request.

35.13(4) Review. An attorney who disagrees with the disciplinary board's order may seek review from the supreme court by filing a petition for review with the supreme court clerk and serving one copy of the petition on the disciplinary board within seven days after receipt of the board's order. The disciplinary board may file a response to the petition with the supreme court clerk and serve one copy of the response on the attorney within seven days after service of the petition. The matter will be promptly set for hearing before one or more justices of the supreme court. The disciplinary board's order is stayed upon the filing of the petition for review.

35.13(5) Hearing. At the hearing on the petition, the disciplinary board must present evidence of probable cause supporting its order and the necessity for the examination or treatment. The attorney may then respond to the disciplinary board's showing and rebut the board's claim that the examination or treatment is necessary. The hearing will be informal and the strict rules of evidence will not apply. Following the hearing, the supreme court may affirm, vacate, or modify the disciplinary board's order or may enter such order as the circumstances warrant.

35.13(6) Failure to submit. An attorney's failure to submit to the examination or treatment the disciplinary board orders under this rule may be grounds for discipline through the normal disciplinary process.

35.13(7) "Condition." For purposes of this rule, "condition relating to the attorney's impairment" means any physiological, mental or psychological condition, impairment, or disorder, including a substance-related disorder.

35.13(8) Confidentiality. All records, papers, proceedings, meetings, and hearings filed or conducted under this rule are confidential unless the supreme court orders otherwise.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 35.13 formerly appeared as Iowa Court Rule 34.12. [Court Order January 26, 2016, effective April 1, 2016]

Rule 35.14 Deferral of further proceedings.

35.14(1) Deferral. With agreement of the director for attorney discipline and the attorney, the board may defer further proceedings pending the attorney's compliance with conditions the board imposes for supervision of the attorney for a specified period of time not to exceed one year unless the board extends the time prior to the conclusion of the specified period. Proceedings may not be deferred under any of the following circumstances:

- a. The conduct under investigation involves misappropriation of funds or property of a client or a third party.
- b. The conduct under investigation involves a criminal act that reflects adversely on the attorney's honesty, trustworthiness, or fitness as an attorney in other respects.
- c. The conduct under investigation resulted in or is likely to result in actual prejudice (loss of money, legal rights, or valuable property rights) to a client or other person, unless restitution is made a condition of deferral.

35.14(2) Conditions. In imposing conditions, the disciplinary board must consider the nature and circumstances of the conduct under investigation and the history, character, and condition of the attorney. The conditions the disciplinary board may impose include, but are not limited to, the following:

- a. Periodic reports to the director for attorney discipline.
- b. Supervision of the attorney's practice or accounting procedures.
- c. Satisfactory completion of a course of study.
- d. Successful completion of the Multistate Professional Responsibility Examination.
- e. Compliance with the provisions of the Iowa Rules of Professional Conduct.

- f.* Restitution.
- g.* Psychological counseling or treatment.
- h.* Substance-related disorder counseling or treatment.
- i.* Abstinence from alcohol or drugs.
- j.* Cooperation with the Iowa Lawyers Assistance Program.
- k.* Fee arbitration.

35.14(3) *Affidavit.* Prior to the disciplinary board's deferral of further proceedings, the attorney must execute an affidavit setting forth all of the following:

- a.* The attorney's admission of the conduct under the disciplinary board's investigation.
- b.* The conditions the disciplinary board will impose for supervision of the attorney, including the period of supervision.
- c.* The attorney's agreement to the conditions to be imposed.
- d.* An acknowledgement that the attorney understands that if the attorney fails to comply with the conditions the disciplinary board has imposed, a formal complaint may be filed with the grievance commission, both for the matters raised in the original complaint to the board and for the attorney's failure to comply with the conditions of supervision.
- e.* A statement that, if the attorney fails to comply with the conditions of supervision, the attorney's admissions with respect to the attorney's conduct may be introduced as evidence in any subsequent proceedings before the disciplinary board or the grievance commission.
- f.* An acknowledgement that the attorney joins in the disciplinary board's deferral determination freely and voluntarily and understands the nature and consequences of the board's action.

35.14(4) *Supervision.* The diversion coordinator, who may be the director for attorney discipline, is responsible for supervising the attorney's compliance with the conditions the disciplinary board imposes. Where appropriate, the diversion coordinator may recommend to the disciplinary board modifications of the conditions and must report to the board the attorney's failure to comply with the conditions or to cooperate with the diversion coordinator.

35.14(5) *Compliance.* Upon the attorney's successful compliance with the conditions the disciplinary board imposed, the board must dismiss or close the investigations pending before it at the time it determined to defer further proceedings. The attorney will not be considered to have been disciplined, but the attorney's admission of misconduct may be considered in imposing sanctions in a subsequent disciplinary matter not arising out of the same conduct.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018; September 19, 2022, effective October 1, 2022]

COMMENT: Rule 35.14 formerly appeared as Iowa Court Rule 34.13. [Court Order January 26, 2016, effective April 1, 2016]

Rule 35.15 Forms.**Rule 35.15 — Form 1: Iowa Supreme Court Attorney Disciplinary Board Complaint Form.**

**Iowa Supreme Court Attorney Disciplinary Board
Complaint Form**

Complete a separate form for each attorney with whom you have a complaint.

1. _____

Your name
Email address

Street address

City

State

ZIP code

(_____) _____
Home phone
(_____) _____
Cell phone
(_____) _____
Business phone
2. Name of attorney about whom you are complaining: _____

Name

Business address

City

State

ZIP code

(_____) _____
Business phone
3. Did you hire the attorney? Check one ☐ Yes ☐ No
 If yes, when did you hire the attorney? _____
 If no, what is your connection to the attorney? _____

4. If your complaint is about a lawsuit or court case, answer the following:
 - A. Name of court: _____
Examples: Iowa District Court for Polk County; United States District Court for Northern District of Iowa
 - B. Case title: _____
Examples: Smith vs. Jones; State vs. Doe
 - C. Case no. _____
5. Type or write neatly on one or more separate sheets of paper a detailed factual statement of what the attorney did or did not do. Return the sheet(s) with this form. Write on only one side of the complaint form and the additional sheets of paper. Attach copies of documents that prove or help to explain your complaint, such as fee agreements, letters, checks, receipts, itemized billings, and court papers. Send only copies, not original documents, as we are not able to return your documents to you.

 In filing this complaint, you are waiving confidentiality and attorney-client privileges, if any, between you and the attorney named above. This waiver allows the attorney to disclose your confidential information to the extent reasonably necessary to respond to the complaint.
6. **Oath and Signature**
 I, _____, certify under penalty of perjury and pursuant to the laws

Print your name

 of the State of Iowa that the allegations of this complaint are true and correct.

_____, 20____

Your Signature

Month
Day
Year

Send the completed form to:

Iowa Supreme Court Attorney Disciplinary Board
 Iowa Judicial Branch Building
 1111 East Court Avenue
 Des Moines, Iowa 50319
 Telephone (515) 725-8017

CHAPTER 36

GRIEVANCE COMMISSION RULES OF PROCEDURE

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CHAPTER 36

GRIEVANCE COMMISSION RULES OF PROCEDURE

Rule 36.1 Complaints.

36.1(1) Any complaint of the Iowa Supreme Court Attorney Disciplinary Board (disciplinary board) must be filed with the Iowa Supreme Court Grievance Commission (grievance commission) in the name of the disciplinary board as the complainant and against the attorney named in the charges as the respondent. The disciplinary board must prosecute the complaint and charges before the grievance commission until final disposition.

36.1(2) Every complaint filed against an attorney with the grievance commission by the disciplinary board must be signed and sworn to by the disciplinary board chair and served upon the attorney as provided in rule 36.5. The complaints must be sufficiently clear and specific in their charges to reasonably inform the attorney against whom the complaint is made of the misconduct the attorney is alleged to have committed.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 36.1(1) formerly appeared as Iowa Court Rule 36.3. Rule 36.1(2) formerly appeared at Iowa Court Rule 35.5. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.2 Docket; complaints; filings.

36.2(1) The grievance commission clerk must maintain a permanent docket of complaints in substantially the same manner as the records relating to civil actions in district court. The clerk must separately number and file each complaint. All subsequent answers, motions, applications, petitions, pleadings, orders, or other related documents will be made part of the file.

36.2(2) The grievance commission clerk must file and preserve all complaints, answers, motions, applications, petitions, pleadings, orders, records, reports, exhibits, evidence, and other documents or things filed under this chapter or received in evidence in a hearing before the grievance commission in Des Moines, Iowa, and the files must at all times be available to the supreme court or anyone the court designates.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 36.2(1) formerly was included in Iowa Court Rule 36.4. Rule 36.2(2) formerly appeared at Iowa Court Rule 35.5. Rule 36.2 is amended to conform an internal reference to the new rule numbers and to reduce duplication with rule 36.4. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.3 Report of filing. The grievance commission clerk must report the filing of each complaint to the grievance commission chair, who must by written order direct that the grievance commission as a whole, or a specified division of the commission, hear each complaint.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 36.3 formerly appeared as Iowa Court Rule 36.5. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.4 Grievance commission; divisions. Grievance commission commissioners may act as a body or in such divisions as the grievance commission chair may direct. Each division must consist of five members. The chair must designate the personnel of each division for each complaint as required. The chair must appoint one member to serve as division president. The chair will select two additional members as alternates.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 36.4 formerly appeared as Iowa Court Rule 36.2. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.5 Notice to respondent.

36.5(1) Upon the filing of a complaint, the grievance commission clerk must serve a written notice of the complaint, a copy of the complaint, and a copy of chapter 36 of the Iowa Court Rules upon the respondent.

36.5(2) The grievance commission clerk may serve notice of the complaint by personal service in the manner of an original notice in civil suits or by restricted certified mail to the respondent's last address as shown by records accessible to the supreme court. The notice must inform the respondent of the 20-day period following completed service of the notice to file a written answer to the complaint. Written return of service must be made by the person making the service if by personal service, or by the grievance commission clerk with postal receipts attached to the return if by restricted certified mail, and the return of service must be filed. Service is complete on the date of personal service or on the date shown by the postal receipt of delivery of the notice to the respondent or refusal of the

respondent to accept delivery. The notice is sufficient if it substantially complies with the form that accompanies these rules.

36.5(3) If service cannot be obtained pursuant to rule 36.5(2), the grievance commission clerk may serve notice of the complaint on the supreme court clerk, who is appointed to receive service on behalf of attorneys subject to Iowa's disciplinary authority. Iowa R. Prof'l Conduct 32:8.5 cmt. [1]. Service upon the supreme court clerk is deemed to be completed service of the notice on the respondent. Simultaneously with serving notice on the supreme court clerk, the grievance commission clerk must forward the notice and a copy of the complaint to the respondent by restricted certified mail to the respondent's last address as shown by records accessible to the supreme court. The notice must instruct the respondent to file a written answer to the complaint within 20 days after completed service of the notice. The grievance commission clerk must file with the supreme court clerk an affidavit attesting that notice was sent to the respondent by restricted certified mail.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 36.5 formerly appeared as Iowa Court Rule 36.6. It is amended to conform an internal reference to the new rule numbers. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.6 Filing and service of documents. All answers, motions, applications, petitions, and pleadings in connection with a complaint must be electronically filed with the clerk of the grievance commission. The grievance commission clerk must transmit copies to the parties and the grievance commission chair if the commission is sitting as a whole or to the grievance commission division president to whom the complaint has been referred.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018; July 24, 2019, effective August 1, 2019; October 24, 2019, effective January 1, 2020; December 2, 2021]

COMMENT: Rule 36.6 formerly appeared as Iowa Court Rule 36.11. It is amended to conform an internal reference to the new rule numbers and reduce duplication with rule 36.2. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.7 Answer. The respondent must file a written answer to the complaint within 20 days from the completed service of notice. For good cause shown upon written application, the grievance commission may grant an extension of time for filing an answer. If the respondent fails or refuses to file an answer within the time specified, the allegations of the complaint are deemed admitted, and the matter will proceed to a hearing on the issue of the appropriate sanction.

[Court Order January 26, 2016, effective April 1, 2016]

Rule 36.8 Notices by complainant and respondent.

36.8(1) Allegation of misappropriation or conversion. If the complainant intends to assert that a respondent misappropriated or converted client or third-party funds in violation of rule 32:1.15 or chapter 45 of the Iowa Court Rules, the complainant must specifically allege in the complaint the respondent's misappropriation or conversion for personal use without a colorable future claim to the funds. The division president may for good cause shown allow amendment of the complaint to specifically allege misappropriation or conversion, provided the respondent is given notice of the amendment and an adequate opportunity to respond before the hearing commences. In granting leave to amend, the division president may impose terms and conditions, including a delay or continuance of the hearing.

36.8(2) Colorable future claim. A respondent who intends to rely on the defense of a colorable future claim to funds taken from a trust account to avoid a finding of misappropriation must, within the time set for the making of pretrial motions or at such later time as the division president directs, file written notice of such intention. The division president may for good cause shown allow late filing of the notice. The respondent bears the burden of coming forward with evidence in support of a colorable future claim, but the burden to prove conversion remains with the complainant.

36.8(3) Failure to comply. If a respondent fails to abide by the time period described in rule 36.8(2), the respondent may not offer evidence on the issue of colorable future claim without leave of the division president for good cause shown. In granting leave, the division president may impose terms and conditions including a delay or continuance of hearing.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 36.8 is a new rule, intended to require notice of an allegation of misappropriation and use of the colorable future claim defense in trust account conversion cases. In 2014, the supreme court discussed the advisability of specifically alleging misappropriation or conversion for personal use in the complaint so that the respondent has adequate notice. *Iowa Sup. Ct. Att'y Disciplinary Bd. v. Kelsen*, 855 N.W.2d 175 (Iowa 2014). The supreme court subsequently stated that a complaint alleging theft or misappropriation must "specifically allege misappropriation or conversion of a client retainer for personal use without a colorable future claim." *Iowa Sup. Ct. Att'y Disciplinary Bd. v. Cepican*, 861 N.W.2d 841 (Iowa 2015). In another 2014 attorney discipline case, the supreme court addressed allocation of the burden of proof with respect to the so-called colorable future claim defense to conversion

of client funds held in trust. The court decided to allocate the burden of coming forward with evidence of a colorable future claim to the respondent attorney, but left the burden of proving conversion with the attorney disciplinary board. *Iowa Sup. Ct. Att'y Disciplinary Bd. v. Carter*, 847 N.W.2d 228 (Iowa 2014). Rule 36.8 requires that the complainant specifically include in its complaint any allegation of misappropriation or conversion, and the rule incorporates a notice requirement for a respondent intending to assert the colorable future claim defense, similar to the notice requirements for alibi, insanity, diminished capacity, and other defenses described in Iowa Rule of Criminal Procedure 2.11(11). [Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

Rule 36.9 Challenge regarding impartiality; four-member divisions.

36.9(1) Within the time allowed for filing an answer to the complaint, the respondent may challenge the impartiality of any member of the grievance commission or division by filing a motion setting forth the grounds for challenge. The motion will be disposed of as provided in rule 36.14. If the challenge is sustained, the vacancy thus created will be filled as provided in rule 36.4.

36.9(2) With the consent of the complainant and the respondent, a grievance commission division may consist of four members. If the four-member division is evenly divided between a recommendation of sanction or dismissal, the division must enter a dismissal of the complaint pursuant to the provisions of rule 36.19. Upon such dismissal, the complainant may apply for permission to appeal pursuant to rule 36.22.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 36.9 formerly appeared at Iowa Court Rule 36.13. It is amended to conform an internal rule reference to the new rule numbers. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.10 Setting case for hearing; pretrial conference and scheduling order.

36.10(1) After 30 days have elapsed from the date of service of the complaint and a grievance commission division is appointed to hear the matter, the grievance commission clerk must arrange a scheduling conference with the division members and the parties to schedule the hearing, discovery, and other pretrial matters. Notice of the scheduling conference must be provided at least 10 days prior to the scheduled telephone conference.

36.10(2) The hearing must be held not less than 60 days nor more than 90 days after the date the answer is due. A respondent who waives this requirement must file a written application for waiver of speedy hearing with the grievance clerk at least three days prior to the rule 36.10(1) scheduling conference. Hearings may only be set outside of this period if the division president finds that good cause exists and the respondent does not object. At least 10 days before the date set for the hearing, the grievance commission clerk must mail to all parties and division members a copy of the order setting the hearing. If a party does not participate in the scheduling conference, the grievance commission clerk must provide notice of the hearing to the party by restricted certified mail or personal service.

36.10(3) The division president must file a scheduling order regarding discovery and other pretrial matters after the telephone conference. The scheduling order must specify deadlines for disclosure of expert witnesses, service of discovery requests, service of responses to discovery, exchange of witness and exhibit lists, exchange of exhibits, amendment of pleadings, objections to witnesses or exhibits, motions to resolve discovery issues, and any other pretrial matters the division president deems appropriate.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018; July 24, 2019, effective August 1, 2019; October 24, 2019, effective January 1, 2020; December 16, 2019, effective January 1, 2020]

COMMENT: Rule 36.10 formerly appeared as Iowa Court Rule 35.7. It is amended to conform an internal reference to the new rule numbers and eliminate duplication with rule 36.11. In addition, provisions for a mandatory pretrial conference and a scheduling order regarding discovery and other pretrial matters are added, reflecting actual grievance commission pretrial practice. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.11 Time and place of hearing. The grievance commission chair or the division president to whom a complaint has been referred must direct a hearing to be held upon the complaint in the respondent's county of residence or, at the discretion of the grievance commission chair, within any other judicial district as most nearly serves the convenience of the parties and must designate by written order the time and place for the hearing. If the respondent files written objections to conducting the hearing in the respondent's county of residence, the hearing must be held at such other place as the grievance commission chair or division president directs by written order, in which case a new notice of the hearing date must be given. If all parties and the division president agree, the hearing may be held by videoconference or telephone.

[Court Order January 26, 2016, effective April 1, 2016; September 14, 2021, effective October 1, 2021]

COMMENT: Rule 36.11 formerly appeared as Iowa Court Rule 36.8. It is amended to eliminate duplication with rule 36.10. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.12 Continuances. A hearing may not be continued except for good cause, upon written application supported by affidavit. Except in a case of emergency, any motion for continuance must be filed at least seven days before the day of hearing. Any objections to continuance must be filed promptly.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 36.12 formerly appeared as Iowa Court Rule 36.9. It is amended to include language formerly in Iowa Court Rule 35.7 regarding the written application and affidavit. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.13 Discovery. In any disciplinary proceeding or action taken by the disciplinary board, discovery is permitted as provided in Iowa Rules of Civil Procedure 1.501(2) and 1.501(3), 1.502 through 1.504, 1.505(2), 1.506, 1.508 through 1.517, 1.701, 1.704, 1.705, and 1.707 through 1.717. The attorney against whom a complaint is filed, in addition to the restriction stated in Iowa Rule of Civil Procedure 1.503(1), is not required to answer an interrogatory pursuant to Iowa Rule of Civil Procedure 1.509, a request for admission pursuant to Iowa Rule of Civil Procedure 1.510, a question upon oral examination pursuant to Iowa Rule of Civil Procedure 1.701, or a question upon written interrogatories pursuant to Iowa Rule of Civil Procedure 1.710, if the answer would be self-incriminatory. In addition, evidence and testimony may be perpetuated as provided in Iowa Rules of Civil Procedure 1.721 through 1.728. If either party is to utilize discovery, it must be commenced within 30 days after service of the complaint. The grievance commission may permit amendments to the complaint to conform to the proof or to raise new matters as long as the respondent has notice and a reasonable time to prepare a defense prior to the date set for hearing. The grievance commission or any grievance commission division may receive an application and may enter an order to enforce discovery or to perpetuate any evidence. Discovery pursuant to this rule includes a respondent's right to obtain a copy of the disciplinary board's file pursuant to Iowa Court Rule 35.4(4).

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 36.13 formerly appeared as Iowa Court Rule 35.6. It is amended to conform an internal reference to the new rule numbers. Rule 36.13 also is amended based on changes to discovery rules for civil cases adopted effective January 1, 2015, with the goal of selectively incorporating the new discovery rules in civil cases to reflect current discovery practice before the grievance commission. The incorporated rules allow discovery by oral deposition, written interrogatories, requests for admission, requests for production, physical or mental examination, and depositions upon written interrogatories. Iowa Rule of Civil Procedure 1.507 regarding a discovery plan is not incorporated. Current grievance commission practice, incorporated in rule 36.10, is to craft a discovery plan that accommodates the hearing date and enter a scheduling order at the time the hearing date is set by telephone conference. Iowa Rules of Civil Procedure 1.501(1) and 1.505 are not incorporated because the contemplated initial disclosures are not relevant in attorney disciplinary cases or are already subject to disclosure in other parts of the attorney disciplinary process and the timing provisions are not compatible with the pace of attorney disciplinary proceedings. Similarly, Iowa Rule of Civil Procedure 1.702 regarding small claims and Iowa Rule of Civil Procedure 1.706 regarding substituted parties do not apply in attorney disciplinary proceedings. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.14 Prehearing motions and hearings. If prompt written request is filed by or on behalf of any party for a hearing upon any preliminary motion or application filed in connection with a complaint, the chair of the grievance commission sitting as a whole or the division president to whom such complaint has been referred must by written order set a time and place of hearing on the motion or application and must notify all parties and attorneys. After the hearing, or if none is requested, the grievance commission chair or division president, as the case may be, or any member of the grievance commission or division designated by the chair or president must file a written ruling upon the motion or application, and thereafter all parties must promptly comply with the ruling's terms and conditions.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 36.14 formerly appeared as Iowa Court Rule 36.12. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.15 Subpoenas.

36.15(1) The grievance commission has subpoena power on behalf of the disciplinary board and the attorney against whom a complaint is filed to compel the appearance of persons or the production of documents during discovery and the final hearing. The grievance commission clerk must issue a subpoena, signed but otherwise in blank, to a party who requests it. That party must complete the subpoena for service. An attorney licensed or otherwise authorized to practice law in Iowa, as an officer of the court, also may issue and sign a subpoena.

36.15(2) Any attack on the validity of a subpoena must be heard or determined by the grievance commission chair, the division president, or any division member to whom a complaint has been referred. Any resulting order is not appealable prior to entry of the grievance commission final

ruling, report, or recommendation. Disobedience of a grievance commission subpoena is punishable as contempt in the district court for the county where the hearing is to be held. A contempt proceeding is not a matter of public record.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 36.15 formerly appeared as Iowa Court Rule 35.8. It is amended to conform an internal reference to the new rule numbers and to flow more logically. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.16 Stipulated submissions.

36.16(1) The parties may stipulate and agree to waive formal hearing and submit the complaint to the grievance commission for its decision on the basis of a written stipulation the parties approve and file with the grievance commission clerk. The grievance commission may consider the complaint on the basis of the stipulation, refuse to accept the stipulation and proceed with a formal hearing, or accept the stipulation but conduct a limited hearing to elicit such additional evidence as the grievance commission may deem necessary to facilitate informed consideration of the complaint. A stipulation under this rule must be submitted not less than 15 days before the date set for hearing. A stipulation submitted pursuant to this rule may include a statement regarding the proposed discipline, including additional or alternative sanctions as provided in rule 36.19. A stipulation submitted pursuant to this rule must include:

a. For each rule violation stipulated, a separate paragraph stating supporting facts sufficient to allow the grievance commission and the supreme court to find a factual basis for concluding the violation occurred.

b. A separate statement of conclusions of law as to the stipulated violations.

c. A separate description of mitigating and aggravating circumstances.

d. A stipulation as to all exhibits.

e. A waiver of the formal hearing as to matters contained in the stipulation, the parties' agreement to submit the matter on the basis of the stipulation, and an agreement to closure of the record unless the grievance commission directs further proceedings.

f. If the parties stipulate to a sanction, a separate paragraph supported by citations to prior Iowa Supreme Court discipline decisions and a discussion as to why those decisions support the stipulated sanction.

36.16(2) If the grievance commission accepts a stipulation of facts, the stipulation binds the parties, the grievance commission, and the supreme court. The grievance commission must interpret the stipulation of facts with reference to its subject matter and in light of the surrounding circumstances and the whole record, including the state of the pleadings, issues involved, and any additional evidence elicited at a limited hearing.

36.16(3) A stipulation as to violations or sanctions is not binding on the grievance commission or the supreme court. The grievance commission must consider the statement of proposed discipline, but the statement does not limit the commission. The commission may recommend greater or lesser discipline, including additional or alternative sanctions.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018; September 14, 2021, effective October 1, 2021]

COMMENT: Rule 36.16 formerly appeared as Iowa Court Rule 35.9. It is amended to conform an internal reference to the new rule numbers. In addition, more specific requirements for the content of stipulated submissions and more specific provisions regarding the effect of stipulations are included based on the decisions of *Iowa Sup. Ct. Att'y Disciplinary Bd. v. Haskovec*, 869 N.W.2d 554 (Iowa 2015) and *Iowa Sup. Ct. Att'y Disciplinary Bd. v. Gailey*, 790 N.W.2d 801 (Iowa 2010). [Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

Rule 36.17 Conduct of hearing.

36.17(1) At the time and place set for the hearing upon any complaint, the grievance commission or division must proceed to hear the evidence and arguments of the parties. The hearing is not open to the public.

36.17(2) The respondent may present character evidence by sworn affidavit, which must be filed as part of the respondent's exhibits. The affidavit must be admitted into evidence unless the complainant indicates, at least three days prior to the scheduled hearing date, that it intends to cross-examine the affiant. In such case, the affidavit must not be received into evidence, and the affiant must testify in the manner of all other witnesses. The respondent may similarly offer the character evidence of a subpoenaed judge by sworn affidavit, subject to the same constraints if the complainant timely indicates its intention to cross-examine the affiant judge. All other witnesses must testify at the hearing after administration of an oath or affirmation by a grievance commission member or other

person authorized by law to administer oaths, and their testimony must be officially reported by a duly qualified court reporter.

36.17(3) If the respondent previously has been publicly reprimanded, the respondent's license has been suspended or revoked, or the respondent has been disbarred, a certified copy of said action must be admitted into evidence at any hearing involving disciplinary proceedings without the necessity of a bifurcated hearing. The grievance commission and the supreme court will consider this evidence with all other evidence in the case in determining the respondent's fitness to practice law in the State of Iowa.

36.17(4) Either party may use principles of issue preclusion in an attorney discipline case if all of the following conditions exist:

a. The issue has been resolved in a civil proceeding that resulted in a final judgment or in a criminal proceeding that resulted in a finding of guilt, even if the disciplinary board was not a party to the prior proceeding.

b. The burden of proof in the prior proceeding was greater than a preponderance of the evidence.

c. The party seeking preclusive effect has given written notice to the opposing party, not less than 10 days prior to the hearing, of the party's intention to invoke issue preclusion.

36.17(5) The respondent may defend and has the right to participate in the hearing in person and by counsel to cross-examine, to be confronted by witnesses, and to present evidence.

36.17(6) The presentation of evidence must conform to the Iowa Rules of Civil Procedure and the Iowa Rules of Evidence. The grievance commission chair or division president will determine all questions of procedure, including objections to evidence.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: The majority of rule 36.17 formerly appeared at Iowa Court Rule 36.14. Rules 36.17(3) and 36.17(4) formerly appeared at Iowa Court Rule 35.7. [Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

Rule 36.18 Oaths. Any member of the grievance commission may administer oaths or affirmations to all witnesses and must cause such testimony to be officially reported by a court reporter.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 36.18 formerly appeared as Iowa Court Rule 36.10. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.19 Action upon complaint; report of decision.

36.19(1) At the conclusion of a hearing upon any complaint against an attorney, the grievance commission may permit a reasonable time for the parties to file post-hearing briefs and arguments. The commissioners must dismiss the complaint, issue a private admonition, or recommend that the supreme court reprimand the respondent or suspend or revoke the respondent's license. If the commissioners recommend a reprimand, suspension, or revocation, they must file with the grievance commission clerk a report of their findings of fact, conclusions of law, and recommendations within 60 days of the date set for filing of the last responsive brief and argument. The report must be titled in the name of the complainant versus the accused attorney as respondent. As part of its report, the grievance commission may recommend additional or alternative sanctions such as restitution, costs, practice limitations, appointment of a trustee or receiver, passage of a bar examination or the Multistate Professional Responsibility Examination, attendance at continuing legal education courses, or other measures consistent with the purposes of attorney discipline. The clerk of the grievance commission must promptly file the report with the supreme court clerk and must serve the report upon the complainant and the respondent as provided in Iowa Rule of Appellate Procedure 6.701. The matter then stands for disposition in the supreme court.

36.19(2) All reports and recommendations of the commissioners must be concurred in by at least 3 members of the division or at least 12 members of the grievance commission, as the case may be, all of whom must have been present throughout the proceedings. Any commissioner has the right to file with the grievance commission clerk a dissent from the majority determination or report. The clerk must promptly serve a copy of a dissent on the parties.

36.19(3) If the grievance commission dismisses the complaint or issues a private admonition, no report may be made to the supreme court except as provided in rule 34.13; however, the grievance commission must, within 10 days of its determination, serve a copy of its determination or report on the complainant and the attorney concerned as provided in this rule. If the complainant does not apply for an appeal within 10 days after such service, the grievance commission's determination is final.

36.19(4) If the commissioners dismiss the charges, no publicity will be given to any of the proceedings except at respondent's request.

36.19(5) A copy of the grievance commission's report must be filed with the Client Security Commission.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 36.19 formerly appeared as Iowa Court Rule 36.15. It is amended to conform an internal reference to the new rule numbers and to complement rule 36.20. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.20 Additional time for decision upon request. If the grievance commission cannot reasonably make its determination or file its report within 60 days of the date set for the filing of the last responsive brief and argument, the division president may file a request for an extension of time with the grievance commission clerk prior to expiration of the 60-day period. The clerk must serve a copy of the request on the grievance commission chair and the parties. The grievance commission chair must file a written decision on the extension request with the grievance commission clerk, who must serve a copy on all parties. If the division fails to file its decision or a request for an extension of time within 60 days of the date set for the filing of the last responsive brief and argument, the grievance commission clerk must promptly notify the executive director of the office of professional regulation of the failure.

[Court Order January 26, 2016, effective April 1, 2016; September 14, 2021, effective October 1, 2021]

COMMENT: Rule 36.20 formerly appeared at Iowa Court Rule 35.10. It is amended to conform an internal reference to the new rule numbers and to reflect the provisions moved to or already present in rule 36.19. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.21 Supreme court disposition if no appeal.

36.21(1) Within 14 days after a report is filed with the supreme court clerk, the grievance commission clerk must transmit to the supreme court clerk the entire record made before the grievance commission. If no appeal is taken or application for permission to appeal is filed within the 10-day period provided in rule 36.22, the supreme court will set a date for submission of the grievance commission report. The supreme court will notify the parties that they may file written statements with the supreme court in support of or in opposition to the discipline the grievance commission recommends. Statements in support of or in opposition to the recommended discipline must be served and filed no later than seven days before the date set for submission. Upon submission, the supreme court will proceed to review de novo the record made before the grievance commission and determine the matter without oral argument or further notice to the parties. Upon de novo review the supreme court may impose a lesser or greater sanction than the discipline the grievance commission recommends.

36.21(2) The supreme court may revoke or suspend the license of an attorney admitted to practice law in Iowa upon any of the following grounds: conviction of a felony, conviction of a misdemeanor involving moral turpitude, violation of any provision of the Iowa Rules of Professional Conduct, or any cause now or hereafter provided by statute or these rules.

36.21(3) If the supreme court imposes a sanction in the form of a suspension, the suspension period will start ten days from the date of the order unless the order states otherwise.

[Court Order January 26, 2016, effective April 1, 2016; September 19, 2022, effective October 1, 2022]

COMMENT: Rule 36.21 formerly appeared as Iowa Court Rule 35.11. It is amended to conform an internal reference to the new rule numbers. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.22 Appeal.

36.22(1) Pursuant to rule 36.19, the respondent may appeal to the supreme court from the report or recommendation the grievance commission files. The respondent's notice of appeal must be filed with the grievance commission clerk within 10 days after service of the report or recommendation on the respondent. The respondent must serve a copy of the notice of appeal on the complainant pursuant to Iowa Rule of Appellate Procedure 6.701. Promptly after filing the notice of appeal with the grievance commission clerk, the respondent must mail or deliver a copy of the notice to the supreme court clerk.

36.22(2) The complainant may apply to the supreme court for permission to appeal from a determination, ruling, report, or recommendation of the grievance commission. The application must be filed within 10 days after service of the determination, ruling, report, or recommendation on the complainant. The supreme court may grant such appeal in a manner similar to the granting of interlocutory appeals in civil cases under the Iowa Rules of Appellate Procedure. The filing fee and the docket fee may be waived upon the complainant's written request.

36.22(3) An appeal of the grievance commission's dismissal of a complaint or of the grievance commission's decision to issue a private admonition must remain confidential. In making such

application, and in any subsequent briefs, the complainant must refer to the respondent as “Attorney Doe No. (insert grievance commission number),” instead of using the respondent’s name. All references to the respondent during oral arguments must be to “Attorney Doe.” In the event the supreme court reverses or modifies the report of the grievance commission, the court order of reversal or modification is a public record.

36.22(4) After a notice of appeal is filed or permission to appeal is granted, the appeal must proceed pursuant to the Iowa Rules of Appellate Procedure to the full extent those rules are not inconsistent with this chapter. Within seven days of the filing of the notice of appeal or the filing of the order granting permission to appeal, appellant must pay the filing fee pursuant to Iowa Rule of Appellate Procedure 6.702 and must file the combined certificate Iowa Rule of Appellate Procedure 6.804 requires. The matter must be captioned under the title given to the action before the grievance commission with the appellant identified as such pursuant to Iowa Rule of Appellate Procedure 6.109(2), unless rule 36.22(3) requires otherwise. The abbreviated time limits specified in Iowa Rule of Appellate Procedure 6.902 apply. Extensions of time must not be granted except upon a verified showing of the most unusual and compelling circumstances. Review is de novo. If a respondent’s appeal is dismissed for lack of prosecution pursuant to Iowa Rule of Appellate Procedure 6.1202 or for any other reason, the supreme court must proceed to review and decide the matter pursuant to rule 36.21 as if no appeal had been taken.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018]

COMMENT: Rule 36.22 formerly appeared as Iowa Court Rule 35.12. It is amended to conform an internal reference to the new rule numbers. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.23 Harmless error; substantial prejudice test. An omission, irregularity, or other defect in procedure will not render void or ineffective any act of the grievance commission, division, or any member thereof unless substantial prejudice is shown to have resulted.

[Court Order January 26, 2016, effective April 1, 2016]

COMMENT: Rule 36.23 formerly appeared as Iowa Court Rule 36.17. It is amended to conform an internal reference to the new rule numbers. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.24 Costs.

36.24(1) In the event that an order of revocation, suspension, or public reprimand results from formal charges of misconduct, the supreme court will assess against the respondent the costs of the proceeding. For the purposes of this rule, costs include those expenses normally taxed as costs in state civil actions pursuant to the provisions of Iowa Code chapter 625. Transcript costs for hearings before the grievance commission are not subject to the maximum compensation amounts for shorthand reporters set forth in Iowa Court Rule 22.28. Transcript costs will be taxed at the actual amount the grievance commission expends.

36.24(2) Within 30 days of the filing of the grievance commission report, the clerk of the grievance commission must serve the complainant and the respondent with a bill of costs and file the bill with the supreme court clerk. An appeal does not obviate this requirement. The complainant and the respondent have 10 days from the date of service to file written objections with the supreme court and the grievance commission clerk. Any objections filed must be considered by the grievance commission division president or the president’s designee. The president or the designee must rule on the objections within 10 days. The supreme court will consider the ruling and objections upon disposition of the matter under rule 36.21 or 36.22. The supreme court clerk must tax additional costs associated with an appeal as in other civil actions.

36.24(3) In its final decision, the supreme court will order the respondent to pay restitution to the complainant for such costs as the supreme court may approve. A suspended or disbarred attorney may not file an application for reinstatement or readmission until the amount of such restitution for costs assessed under this rule is fully paid or waived by the supreme court.

[Court Order January 26, 2016, effective April 1, 2016; December 13, 2017, effective January 1, 2018; September 14, 2021, effective October 1, 2021]

COMMENT: Rule 36.24 formerly appeared as Iowa Court Rule 35.27. It is amended to conform an internal reference to the new rule numbers. [Court Order January 26, 2016, effective April 1, 2016]

Rule 36.25 Forms.

Rule 36.25 — Form 1: *Notice of Complaint.*

Before the Iowa Supreme Court Grievance Commission

Iowa Supreme Court

Attorney Disciplinary Board,

Complainant,

VS.

_____, Attorney at Law, of
Full name: first, middle, last

_____, Iowa

Respondent.

Notice of Complaint

To: _____
Respondent's name

Respondent:

You are notified that there is now a complaint on file with the Iowa Supreme Court Grievance Commission Clerk at the Iowa Judicial Branch Building, 1111 East Court Avenue, Des Moines, Iowa 50319, alleging that you have committed unethical practices as an attorney and counselor at law.

A copy of the complaint and a copy of chapter 36 of the Iowa Court Rules are attached and made a part of this notice.

You are further notified to file your written answer to the complaint within 20 days from the completed service of this notice and to abide by any further orders of the grievance commission made in accordance with chapter 36 of the Iowa Court Rules.

You are further notified that the grievance commission will hear this complaint in accordance with the rules and will take action as may be warranted by the facts and circumstances disclosed at the hearing.

Dated this _____ day of _____, 20____.

Month *Year*

Grievance Commission Clerk
Iowa Judicial Branch Building
1111 East Court Avenue
Des Moines, Iowa 50319

CHAPTER 41

CONTINUING LEGAL EDUCATION FOR LAWYERS

Rule 41.1	Purpose
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CHAPTER 41

CONTINUING LEGAL EDUCATION FOR LAWYERS

Rule 41.1 Purpose. Only by continuing their legal education throughout their period of the practice of law can attorneys fulfill their obligation competently to serve their clients. Failure to do so will be grounds for disciplinary action by the supreme court. This chapter establishes minimum requirements for such continuing legal education and the means by which the requirements will be enforced.

[Court Order April 9, 1975; November 9, 2001, effective February 15, 2002; December 13, 2017, effective January 1, 2018]

Rule 41.2 Continuing legal education commission.

41.2(1) There is hereby established a Commission on Continuing Legal Education (commission) consisting of 12 members. The supreme court will appoint to the commission 10 resident members of this state who are currently licensed to practice law in the State of Iowa, and 2 residents of this state who are not attorneys. The court must designate from among the members of the commission a chair who will serve at the pleasure of the court. All members, except for those appointed to fill unexpired terms, are appointed for a term of three years. No member can serve more than two consecutive complete terms as a member of the commission. The supreme court may adopt rules and regulations governing the operations and activities of the commission.

41.2(2) The commission has the following duties:

- a. To exercise general supervisory authority over the administration of this chapter.
- b. To accredit courses, programs, and other educational activities that will satisfy the educational requirements of this chapter; all being subject to continuous review by the commission.
- c. To foster and encourage the offering of such courses, programs and educational activities.
- d. To submit to the supreme court proposed rules and regulations not inconsistent with this chapter to govern the operations and activities of the commission. *See* chapter 42 of the Iowa Court Rules.
- e. Subject to the approval of the supreme court, to employ such persons as it deems necessary for the proper administration of this chapter.
- f. To make recommendations to the supreme court concerning this chapter and the enforcement thereof.
- g.. To present an annual budget and a recommended annual fee for costs of administering this chapter.
- h.. To report promptly to the supreme court concerning any violation of this chapter by any member of the bar of this state.
- i.. To file with the supreme court on March 1 of each year, and at such additional times as the supreme court may order, a written report reviewing in detail the activities of the commission during the preceding calendar year together with an audit of commission funds certified by a certified public accountant licensed to practice in Iowa.

41.2(3) Members of the commission will not be compensated but may be reimbursed for expenses incurred by them in the performance of their duties upon vouchers approved by the supreme court.

[Court Order April 9, 1975; July 5, 1978; November 13, 1984; November 14, 1985; November 11, 1986; November 19, 1987; November 21, 1988; November 16, 1989; November 9, 2001, effective February 15, 2002; February 22, 2002; December 5, 2007; December 13, 2017, effective January 1, 2018]

Rule 41.3 Continuing legal education requirement.

41.3(1) Each attorney admitted to practice in this state must complete a minimum of 15 hours of legal education accredited by the commission during each calendar year. The commission is authorized pursuant to guidelines established by the supreme court to determine the number of hours for which credit will be given for particular courses, programs, or other legal education activities. Under rules to be promulgated by the supreme court, an attorney may be given credit in one or more succeeding calendar years, not exceeding two such years, for completing more than 15 hours of accredited education during any one calendar year.

41.3(2) Beginning January 1, 2021, the 15 hours required by rule 41.3(1) must include a minimum of 1 hour devoted exclusively to the area of legal ethics and 1 hour devoted exclusively to the area of either attorney wellness or diversity and inclusion. Excess hours of education devoted to legal ethics, attorney wellness, and diversity and inclusion can be carried over for purposes of the annual

15-hour requirement under rule 41.3(1) but cannot be carried over for the special legal ethics, attorney wellness, and diversity and inclusion requirements under this rule.

[Court Order April 9, 1975; December 6, 1978; January 8, 1988; November 9, 2001, effective February 15, 2002; February 22, 2002; February 21, 2012; March 21, 2014; December 13, 2017, effective January 1, 2018; October 24, 2019, effective January 1, 2020; August 28, 2020]

Rule 41.4 Annual fee and report by attorneys to commission.

41.4(1) On or before March 10 of each year, each attorney admitted to practice in this state must pay to the commission a prescribed fee for costs of administering this chapter.

41.4(2) On or before March 10 of each year, each attorney admitted to practice in this state must make a written report to the commission, in such form as the commission prescribes, concerning completion of accredited legal education during the preceding calendar year. However, an attorney is not required to comply with this rule or comply with the continuing legal education requirements set forth in rule 41.3 for the year during which the attorney was admitted to practice in this state. Each annual report must be accompanied by proof satisfactory to the commission that the attorney has met the requirements for continuing legal education for the calendar year for which such report is made.

41.4(3) Each attorney admitted to practice in this state must make a written report to the commission, in such form as the commission prescribes, concerning completion of accredited legal ethics, attorney wellness, and diversity and inclusion education. The report is to be filed on or before March 10 of each year. An attorney is not required to comply with this requirement for the year of admission to practice.

41.4(4) All attorneys who fail by March 10 of each year to file the annual report or to pay the prescribed fee must, in addition, pay a penalty as set forth in the following schedule if either the annual report is filed or the prescribed fee is paid after March 10. The penalty fees collected must be used to pay the costs of administering this chapter, or for such other purposes within the office of professional regulation as the supreme court may direct.

Penalty schedule:

If filed:	Penalty:
After March 10 but before April 12	\$100
After April 11 but before May 12	\$150
After May 11 but before June 12	\$200
After June 11	\$250

41.4(5) The commission may prescribe an electronic format for the annual report and require submission of the report in that form.

[Court Order April 9, 1975; August 28, 1975; August 12, 1980; January 8, 1988; January 24, 2000; November 9, 2001, effective February 15, 2002; April 25, 2008; June 5, 2008, effective July 1, 2008; January 19, 2010; April 25, 2014; December 13, 2017, effective January 1, 2018; October 24, 2019, effective January 1, 2020]

Rule 41.5 Penalty for failure to satisfy continuing legal education requirements.

41.5(1) Attorneys who fail to comply with the provisions of rule 41.4 or who file a report showing on its face that they have failed to complete the required number of hours of continuing legal education may have their right to practice law suspended by the supreme court, provided that at least 15 days prior to such suspension, notice of such delinquency has been served upon them in the manner provided for the service of original notices in Iowa Rule of Civil Procedure 1.305 or has been forwarded to them by restricted certified mail, return receipt requested, addressed to them at their last-known address. Such attorneys must be given the opportunity during said 15 days to file in the office of professional regulation an affidavit disclosing facts demonstrating their noncompliance was not willful and tendering such documents and sums and penalties which, if accepted, would cure the delinquency, or to file in duplicate in the office of clerk of the supreme court a request for hearing to show cause why their license to practice law should not be suspended. A hearing must be granted if requested. If, after hearing, or failure to cure the delinquency by satisfactory affidavit and compliance, an attorney is suspended, the attorney will be notified thereof by either of the two methods above provided for notice of delinquency.

41.5(2) Any attorney suspended pursuant to this chapter must do all of the following:

- a. Within 15 days in the absence of co-counsel, notify clients in all pending matters to seek legal advice elsewhere, calling attention to any urgency in seeking the substitution of another attorney.
- b. Within 15 days, deliver to all clients being represented in pending matters any papers or other property to which they are entitled or notify them and any co-counsel of a suitable time and place where the papers and other property may be obtained, calling attention to any urgency for obtaining the papers or other property.
- c. Within 30 days, refund any part of any fees paid in advance that have not been earned.
- d. Within 15 days, notify opposing counsel in pending litigation or, in the absence of such counsel, the adverse parties, of the suspension and consequent disqualification to act as an attorney after the effective date of such discipline.
- e. Within 15 days, file with the court, agency, or tribunal before which the litigation is pending a copy of the notice to opposing counsel or adverse parties.
- f. Keep and maintain records of the steps taken to accomplish the requirements of this rule.
- g. Within 30 days, file with the supreme court and with the Iowa Supreme Court Attorney Disciplinary Board proof of complete performance of the foregoing, which is a condition for application for readmission to practice.

41.5(3) Any attorney suspended pursuant to this chapter must refrain during such suspension from all facets of the ordinary law practice including, but not limited to, the examination of abstracts; consummation of real estate transactions; preparation of legal briefs, deeds, buy and sell agreements, contracts, wills and tax returns; and acting as a fiduciary. Such suspended attorney may, however, act as a fiduciary for the estate, conservatorship, or guardianship, of any person related to the suspended attorney within the second degree of affinity or consanguinity.

41.5(4) In addition, any attorney who willfully fails to comply with this chapter may be subject to disciplinary action as provided in chapter 35 of the Iowa Court Rules, upon report filed by the commission with the disciplinary board.

41.5(5) For good cause shown, the commission may, in individual cases involving hardship or extenuating circumstances, grant waivers of the minimum educational requirements or extensions of time within which to fulfill the requirements or make the required reports.

[Court Order April 9, 1975; November 21, 1977; December 6, 1978; January 15, 1979; August 12, 1980; April 25, 1985; December 15, 1994, effective January 3, 1995; November 9, 2001, effective February 15, 2002; April 20, 2005, effective July 1, 2005; April 25, 2008; June 5, 2008, effective July 1, 2008; December 13, 2017, effective January 1, 2018]

Rule 41.6 Confidentiality. Unless otherwise directed by the supreme court, the files, records and proceedings of the commission, as they relate to or arise out of any failure of any attorney to satisfy the requirements of this chapter, are deemed confidential and must not be disclosed, except in furtherance of the commission's duties or upon the request of the attorney affected, or as they may be introduced in evidence or otherwise produced in proceedings taken in accordance with this chapter.

[Court Order April 9, 1975; November 9, 2001, effective February 15, 2002; December 13, 2017, effective January 1, 2018]

Rule 41.7 Inactive practitioners. A member of the bar who is not engaged in the practice of law in the State of Iowa as defined in Iowa Court Rule 39.7, upon application to the commission, may be granted a waiver of compliance with this chapter and obtain a certificate of exemption. No person holding such certificate of exemption is permitted to practice law in this state until reinstated. The supreme court will make rules and regulations governing the continuing legal education requirements for reinstatement of attorneys who, for any reason, have not been entitled to practice law in this state for any period of time subsequent to their admission to the bar. Applications for a certificate of exemption must be submitted concurrently under Iowa Court Rules 39.7 and 42.6 and this rule.

[Court Order April 9, 1975; November 9, 2001, effective February 15, 2002; August 19, 2016, effective January 1, 2018; December 13, 2017, effective January 1, 2018]

Rule 41.8 Application of this chapter. This chapter applies to every person licensed to practice law in the State of Iowa.

[Court Order April 9, 1975; November 9, 2001, effective February 15, 2002; December 13, 2017, effective January 1, 2018]

Rule 41.9 Attendance exemption for out-of-state attendance of equivalent hours.

41.9(1) An active member of the bar who resides in another state or the District of Columbia, did not practice law in Iowa during the reporting period, and who attends at least 15 clock-hours of continuing legal education accredited by the continuing legal education regulatory body in his or her state of residence, including 1 clock-hour in the area of legal ethics and 1 clock-hour of either attorney wellness or diversity and inclusion is exempt from the attendance requirements of rule 41.3. However, any member exempt from attendance under this rule must file the annual report and pay the annual fee required under rule 41.4, and must certify qualification for the exemption on the annual report.

41.9(2) The commission may require any member who claims exemption under this rule to provide proof of attending the accredited continuing legal education in the other jurisdiction.

41.9(3) The practice of law as that term is employed in this rule includes: the examination of abstracts; consummation of real estate transactions; preparation of legal briefs, deeds, buy and sell agreements, contracts, wills, and tax returns; representation of others in any Iowa courts; regular preparation of legal instruments, securing of legal rights, advising others as to their legal rights or the effect of contemplated actions upon their legal rights, or holding oneself out to so do; instructing others in legal rights; being a judge or one who rules upon the legal rights of others unless neither the state nor federal law requires the person so judging or ruling to hold a license to practice law.

[Court Order November 20, 2015, effective January 1, 2016; October 24, 2019, effective January 1, 2020]

Rule 41.10 Reinstatement from suspension.

41.10(1) An attorney who has been suspended for failure to pay the annual fee, complete required continuing legal education, or file the annual report required by rule 41.4 may be reinstated by filing such report showing completion of all continuing legal education required by rules 41.3 and 42.2 through the end of the current calendar year. An attorney seeking reinstatement after suspension for failure to comply with the provisions of this rule must pay all delinquent fees and late filing penalties due under rule 41.4 and a reinstatement fee of \$100.

41.10(2) An attorney who seeks or applies for reinstatement from suspension under the provisions of chapter 34 of the Iowa Court Rules must first file the annual report required by rule 41.4 showing completion of all continuing legal education required by rules 41.3 and 42.2 through the end of the current calendar year, pay all fees and late filing penalties due under rule 41.4 and unpaid at the time of the suspension, and pay a reinstatement fee of \$100. The commission may grant an attorney additional time after the effective reinstatement date, on such terms and conditions as it may prescribe, to complete and furnish evidence of compliance with these continuing legal education requirements. [Court Order April 25, 2008; November 20, 2015, effective January 1, 2016; December 13, 2017, effective January 1, 2018; November 16, 2018, effective December 15, 2018; September 14, 2021, effective October 1, 2021; September 19, 2022, effective October 1, 2022]

Rule 41.11 Denial of reinstatement for failure to comply with certain obligations.

41.11(1) *Denial of reinstatement for failure to comply with an obligation owed to or collected by the Central Collection Unit of the Iowa Department of Revenue.* The supreme court may deny an attorney's application for reinstatement under rule 41.7 or 41.10 for failure to comply with an obligation owed to or collected by the Central Collection Unit of the Iowa Department of Revenue. The procedure is governed by Iowa Court Rule 34.21.

41.11(2) *Denial of reinstatement for failure to comply with an obligation owed to or collected by the Iowa College Student Aid Commission.* The supreme court may deny an attorney's application for reinstatement under rule 41.7 or 41.10 for failure to comply with an obligation owed to or collected by the Iowa College Student Aid Commission. The procedure is governed by rule Iowa Court Rule 34.21.

41.11(3) *Denial of reinstatement for failure to comply with a support order.* The supreme court may deny an attorney's application for reinstatement under rule 41.7 or 41.10 for failure to comply with a support order. The procedure is governed by Iowa Court Rule 34.20.

[Court Order June 5, 2008, effective July 1, 2008; February 20, 2012; December 13, 2017, effective January 1, 2018]

Rule 41.12 Basic skills course requirement.

41.12(1) Every Iowa attorney admitted to practice by examination after December 31, 2008, but before January 1, 2015, must complete a Basic Skills Course. The course must be completed within

one year of the newly admitted attorney's date of admission to practice in Iowa. The course may be completed after the last day of the bar examination that resulted in admission. If the course is completed after the last day of the bar examination, but the applicant fails the examination, the applicant will remain in compliance with this rule so long as the applicant passes the next examination offered.

41.12(2) The Basic Skills Course must total at least eight actual hours of instruction and include at least one actual hour qualifying for credit in the area of legal ethics. The course will include instruction on Iowa law selected from at least eight of the following topic areas:

- Civil Procedure
- Criminal Law
- Criminal Procedure
- Family Law
- Guardianships, Conservatorships, Trusts, and Powers of Appointment
- Business Entities
- Probate
- Torts
- Contracts
- Real Estate Transactions
- Ethics and Professionalism

41.12(3) Newly admitted attorneys shall be entitled to claim credit for attendance at an accredited Basic Skills Course against the continuing legal education requirements of rules 41.3 and 42.2, but are not exempt from reporting and fee payment duties of rule 41.4.

41.12(4) An attorney who fails to complete the Basic Skills Course within one year of the date of admission may have the right to practice law suspended under the provisions of rule 41.5.

41.12(5) The commission may, in individual cases involving hardship or extenuating circumstances, grant waivers of the Basic Skills Course requirement or extensions of time in which to complete the Basic Skills Course.

41.12(6) The Basic Skills Course may be offered by any provider of continuing legal education, but must be reviewed and accredited by the Commission on Continuing Legal Education as provided in Iowa Court Rule 42.4. The Basic Skills Course may be conducted in installments over time, and may be offered by computer-based transmission as provided in Iowa Court Rule 42.3. Any provider of the Basic Skills Course is required to report attendance in the manner specified by the commission. [Court Order October 9, 2009; November 24, 2010; January 21, 2015; December 13, 2017, effective January 1, 2018]

Rule 41.13 Retired practitioners.

41.13(1) *Certificate of relinquishment.* A member of the bar of the supreme court who does not intend ever again to practice law in Iowa may be granted a certificate of relinquishment. Thereafter, no continuing legal education, annual report, or annual fee is required from such member. A member granted a certificate of relinquishment is not entitled to practice law in the State of Iowa and may not apply for reinstatement, but the member may be certified as an emeritus attorney under Iowa Court Rule 31.19. A member granted a certificate of relinquishment who desires to again practice law other than as an emeritus attorney must seek admission under the provisions of chapter 31 of the Iowa Court Rules. A member of the bar requesting a certificate of relinquishment must file with the director an application in such form as the director may deem necessary to determine the member's status. Applications for a certificate of relinquishment must be submitted concurrently under rules 39.7(2) and 41.13(1).

41.13(2) *Transition provisions.*

a. The provisions of rule 41.13(1) regarding a separate fully relinquished status and the provisions of rules 41.7 and 42.6 regarding concurrent applications for exempt status are effective January 1, 2018.

b. On or before December 31, 2017, attorneys in active status may apply for and be granted exempt status under rules 41.7 and 42.6 or emeritus status under rule 31.19.

c. On or after January 1, 2018, attorneys in active status may apply for and be granted exempt status under rules 41.7 and 42.6, emeritus status under rule 31.19, or relinquished status under rule 41.13(1).

d. Attorneys in active status under rules 41.7 and 42.6 but exempt status under rule 39.7 as of December 31, 2017, will be administratively transferred to exempt status under rules 41.7 and 42.6

as of January 1, 2018. Attorneys administratively transferred to exempt status under this provision nonetheless will be allowed to record their continuing legal education attendance on their attorney account pages while in exempt status.

[Court Order August 19, 2016, effective September 1, 2016, rule 41.13(1), effective January 1, 2018; December 13, 2017, effective January 1, 2018; November 16, 2018, effective December 15, 2018]

CHAPTER 45

CLIENT TRUST ACCOUNT RULES

Rule 45.1	Requirement for client trust account
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CHAPTER 45

CLIENT TRUST ACCOUNT RULES

Rule 45.1 Requirement for client trust account. Funds a lawyer receives from clients or third persons for matters arising out of the practice of law in Iowa must be deposited in one or more identifiable interest-bearing trust accounts at a financial institution with a branch geographically located in Iowa. Other property of clients or third persons must be identified as such and appropriately safeguarded. The trust account must be clearly designated as “Trust Account.” No funds belonging to the lawyer or law firm may be deposited in this account except:

1. Funds reasonably sufficient to pay or avoid imposition of fees and charges that are a lawyer’s or law firm’s responsibility, including fees and charges that are not “allowable monthly service charges” under the definition in rule 45.5, may be deposited in this account.

2. Funds belonging in part to a client and in part currently or potentially to the lawyer or law firm must be deposited in this account, but the portion belonging to the lawyer or law firm may be withdrawn when due unless the right of the lawyer or law firm to receive it is disputed by the client, in which event the disputed portion must not be withdrawn until the dispute is finally resolved.

[Court Order April 20, 2005, effective July 1, 2005; December 13, 2017, effective January 1, 2018; September 19, 2022, effective October 1, 2022]

Rule 45.2 Action required upon receiving funds; accounting; records.

45.2(1) Authority to endorse or sign client’s name. Upon receipt of funds or other property in which a client or third person has an interest, a lawyer must not endorse or sign the client’s name on any check, draft, security, evidence of encumbrance, transfer of ownership of realty or personalty, or any other document without the client’s prior express authority. A lawyer signing an instrument in a representative capacity must so indicate by initials or signature.

45.2(2) Accounting and returning funds or property. Except as stated in this chapter or otherwise permitted by law or by agreement with the client, a lawyer must promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and must promptly render a full accounting regarding such property.

45.2(3) Maintaining records.

a. A lawyer who practices in this jurisdiction must maintain current financial records as provided in these rules and required by Iowa Rule of Professional Conduct 32:1.15 and must retain the following records for a period of six years after termination of the representation:

(1) Receipt and disbursement journals containing a record of deposits to and withdrawals from client trust accounts, specifically identifying the date, source, and description of each item deposited, as well as the date, payee, and purpose of each disbursement.

(2) Ledger records for all client trust accounts showing, for each separate trust client or beneficiary, the source of all funds deposited, the names of all persons for whom the funds are or were held, the amount of such funds, the descriptions and amounts of charges or withdrawals, and the names of all persons or entities to whom such funds were disbursed.

(3) Copies of retainer and compensation agreements with clients as required by Iowa Rule of Professional Conduct 32:1.5.

(4) Copies of accountings to clients or third persons showing the disbursement of funds to them or on their behalf.

(5) Copies of bills for legal fees and expenses rendered to clients.

(6) Copies of records showing disbursements on behalf of clients.

(7) The physical or electronic equivalents of all checkbook registers, bank statements, records of deposit, prenumbered canceled checks, and substitute checks provided by a financial institution.

(8) Records of all electronic transfers from client trust accounts, including the name of the person authorizing transfer, the date of transfer, the name of the recipient, and the trust account name or number from which money is withdrawn.

(9) Copies of monthly lists of individual client ledger balances and monthly triple reconciliations of bank statement balance to check register balance to sum of individual client ledger balances of the client trust accounts maintained by the lawyer.

(10) Copies of those portions of client files that are reasonably related to client trust account transactions.

b. With respect to trust accounts required by Iowa Rule of Professional Conduct 32:1.15:

(1) Only a lawyer admitted to practice law in this jurisdiction or a person under the direct supervision of the lawyer may be an authorized signatory or authorize transfers from a client trust account.

(2) Receipts must be deposited intact and records of deposit should be sufficiently detailed to identify each item.

(3) Withdrawals must be made only by check payable to a named payee and not to cash, or by authorized bank transfer.

c. Records required by this rule may be maintained by electronic, photographic, computer, or other media provided that the records otherwise comply with these rules and that printed copies can be produced. These records must be accessible to the lawyer.

d. Upon dissolution of a law firm or of any legal professional corporation, the partners must make reasonable arrangements for the maintenance of the records specified in this rule.

e. Upon the sale of a law practice, the seller must make appropriate arrangements for the maintenance of the records specified in this rule.

[Court Order April 20, 2005, effective July 1, 2005; February 20, 2012; December 13, 2017, effective January 1, 2018; September 19, 2022, effective October 1, 2022]

Rule 45.3 Type of accounts and institutions where trust accounts must be established. Each trust account referred to in rule 45.1 must be an interest-bearing or dividend-paying account in a bank, savings bank, trust company, savings and loan association, savings association, credit union, or federally regulated investment company selected by the law firm or lawyer in the exercise of ordinary prudence. The financial institution must be authorized by federal or state law to do business in Iowa and insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund. Trust funds must be placed in accounts at credit unions only to the extent that each individual client's funds are eligible for insurance. Trust funds must be placed in accounts from which withdrawals or transfers can be made without delay when such funds are required, subject only to any notice period which the depository institution is required to observe by law or regulation.

[Court Order April 20, 2005, effective July 1, 2005; April 25, 2008; December 13, 2017, effective January 1, 2018; September 19, 2022, effective October 1, 2022]

Rule 45.4 Pooled interest-bearing trust account.

45.4(1) *Deposits of nominal or short-term funds.* A lawyer who receives a client's or third person's funds must maintain a pooled interest-bearing trust account for deposits of funds that are nominal in amount or reasonably expected to be held for a short period of time. A lawyer must inform the client or third person that the interest accruing on this account, net of any allowable monthly service charges, will be paid to the Lawyer Trust Account Commission established by the supreme court.

45.4(2) *Exceptions to using pooled interest-bearing trust accounts.* All client or third person funds must be deposited in an account specified in rule 45.4(1) unless they are deposited in:

a. A separate interest-bearing trust account for the particular third person, client, or client's matter on which the interest, net of any transaction costs, will be paid to the client or third person; or

b. A pooled interest-bearing trust account with subaccountings that will provide for computation of interest earned by each client's or third person's funds and the payment thereof, net of any transaction costs, to the client or third person.

45.4(3) *Accounts generating positive net earnings.* If the client's or the third person's funds could generate positive net earnings for the client or third person, the lawyer must deposit the funds in an account described in rule 45.4(2). In determining whether the funds would generate positive net earnings, the lawyer must consider the following factors:

a. The amount of the funds to be deposited.

b. The expected duration of the deposit, including the likelihood of delay in the matter for which the funds are held.

c. The rates of interest or yield at the financial institution in which the funds are to be deposited.

d. The cost of establishing and administering the account, including service charges, the cost of the lawyer's services, and the cost of preparing any tax reports required for interest accruing to a client's benefit.

e. The capability of financial institutions described in rule 45.3 to calculate and pay interest to individual clients.

f. Any other circumstances that affect the ability of the client's funds to earn a net return for the client.

45.4(4) *Directions to depository institutions.* As to accounts created under rule 45.4(1), a lawyer or law firm must direct the depository institution:

a. To remit interest or dividends, net of any allowable monthly service charges, as computed in accordance with the depository institution's standard accounting practice, at least quarterly, to the Lawyer Trust Account Commission.

b. To transmit with each remittance to the Lawyer Trust Account Commission a copy of the depositor's statement showing the name of the lawyer or law firm for whom the remittance is sent, the rate of interest applied, the amount of allowable monthly service charges deducted, if any, and the account balance(s) for the period covered by the report.

c. To report to the Client Security Commission in the event any properly payable instrument is presented against a lawyer trust account containing insufficient funds. In the case of a dishonored instrument, the report must be identical to the overdraft notice customarily forwarded to the depositor, and must include a copy of the dishonored instrument, if such a copy is normally provided to depositors. In the case of instruments that are honored when presented against insufficient funds, the report must identify the financial institution, the lawyer or law firm, the account number, the date of presentation for payment and the date paid, and the amount of overdraft. If an instrument presented against insufficient funds is not honored, the report must be made simultaneously with, and within the time provided by law for, any notice of dishonor. If the instrument is honored, the report must be made within five banking days of the date of presentation for payment against insufficient funds.

[Court Orders April 20, 2005, and July 1, 2005, effective July 1, 2005; December 13, 2017, effective January 1, 2018]

Rule 45.5 Definition of "allowable monthly service charges." For purposes of this chapter, "allowable monthly service charges" means the monthly fee customarily assessed by the institution against a depositor solely for the privilege of maintaining the type of account involved. Fees or charges assessed for transactions involving the account, such as fees for wire transfers, stop payment orders, or check printing, are a lawyer's or law firm's responsibility and may not be paid or deducted from interest or dividends otherwise payable to the Lawyer Trust Account Commission.

[Court Order April 20, 2005, effective July 1, 2005]

Rule 45.6 Lawyer certification. Every lawyer required to have a client trust account must certify annually, in such form as the supreme court may prescribe, that the lawyer or the law firm maintains, on a current basis, records required by Iowa Rule of Professional Conduct 32:1.15(a).

[Court Order April 20, 2005, effective July 1, 2005; December 13, 2017, effective January 1, 2018]

Rule 45.7 Advance fee; expense payments.

45.7(1) *Definition of advance fee payments.* "Advance fee payments" are payments for contemplated services that are made to the lawyer prior to the lawyer's having earned the fee.

45.7(2) *Definition of advance expense payments.* Advance expense payments are payments for contemplated expenses in connection with the lawyer's services that are made to the lawyer prior to the incurrence of the expense.

45.7(3) *Deposit and withdrawal.* A lawyer must deposit advance fee and expense payments from a client into the trust account and may withdraw such payments only as the fee is earned or the expense is incurred.

45.7(4) *Notification upon withdrawal of fee or expense.* A lawyer accepting advance fee or expense payments must notify the client in writing of the time, amount, and purpose of any withdrawal of the fee or expense, together with a complete accounting. The attorney must transmit such notice no later than the date of the withdrawal.

45.7(5) *When refundable.* Notwithstanding any contrary agreement between the lawyer and client, advance fee and expense payments are refundable to the client if the fee is not earned or the expense is not incurred.

[Court Order April 20, 2005, effective July 1, 2005; December 13, 2017, effective January 1, 2018]

Rule 45.8 General retainer.

45.8(1) *Definition.* A general retainer is a fee a lawyer charges for agreeing to provide legal services on an as-needed basis during a specified time period. Such a fee is not a payment for the performance of services and is earned by the lawyer when paid.

45.8(2) *Deposit.* Because a general retainer is earned by the lawyer when paid, the retainer should not be deposited in the trust account.

[Court Order April 20, 2005, effective July 1, 2005]

Rule 45.9 Special retainer.

45.9(1) *Definition.* A “special retainer” is a fee that is charged for the performance of contemplated services rather than for the lawyer’s availability. Such a fee is paid in advance of performance of those services.

45.9(2) *Prohibition.* A lawyer may not charge a nonrefundable special retainer or withdraw unearned fees.

[Court Order April 20, 2005, effective July 1, 2005; December 13, 2017, effective January 1, 2018]

Rule 45.10 Flat fee.

45.10(1) *Definition.* A “flat fee” is one that embraces all services that a lawyer is to perform, whether the work be relatively simple or complex.

45.10(2) *When deposit required.* If the client makes an advance payment of a flat fee prior to performance of the services, the lawyer must deposit the fee into the trust account.

45.10(3) *Withdrawal of flat fee.* A lawyer and client may agree as to when, how, and in what proportion the lawyer may withdraw funds from an advance fee payment of a flat fee. The agreement, however, must reasonably protect the client’s right to a refund of unearned fees if the lawyer fails to complete the services or the client discharges the lawyer. In no event may the lawyer withdraw unearned fees.

[Court Order April 20, 2005, effective July 1, 2005; December 13, 2017, effective January 1, 2018]

Rule 45.11 Designation of successor signatories. A lawyer who is the sole lawyer signatory on an attorney trust account may designate in an instrument acceptable to the depository for the trust account, a successor signatory, who must be a member of the bar in good standing and admitted to the practice of law in Iowa, and whose authority must become effective upon the occurrence of an event or events described in the instrument. The event or events described in the instrument may include death, disappearance, abandonment of law practice, temporary or permanent incapacity, suspension, or disbarment.

[Court Order December 10, 2012; December 13, 2017, effective January 1, 2018]

CHAPTER 46**RULES OF THE BOARD OF EXAMINERS OF
SHORTHAND REPORTERS**

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CHAPTER 46

RULES OF THE BOARD OF EXAMINERS OF SHORTHAND REPORTERS

Rule 46.1 Authorization and scope. The rules in this chapter are adopted in conjunction with Iowa Code sections 602.3101 through 602.3302. They apply to all proceedings, functions, and responsibilities of shorthand reporters and the board of examiners.
[Court Order June 5, 2008, effective July 1, 2008]

Rule 46.2 Definitions. In this chapter:

(1) “Certified shorthand reporter” is an individual who has demonstrated by examination administered by the board of examiners that such individual has achieved proficiency in shorthand equivalent in the discretion of the board to the standard of the National Court Reporters Association for the earned designation of Registered Professional Reporter, namely, the demonstrated ability to write dictated tests at 180 words per minute (question and answer — technical dictation), 200 words per minute (multivoice dictation for transcription or readback), and 225 words per minute (question and answer dictation), or such equivalents thereof as the board may select, each at 95 percent accuracy or better, and demonstrated written knowledge of the reporter’s duties, Iowa legal procedure, and correct English usage at 70 percent accuracy or better. Individuals who hold the designation of Registered Professional Reporter from the National Court Reporters Association by passing the association’s examination on or after May 1, 1973, and are in good standing with such association, may, upon application to the board of examiners, become certified shorthand reporters upon successfully passing a written examination concerning a reporter’s duties, Iowa legal procedure, and correct English usage at 70 percent accuracy or better.

(2) “Shorthand” is a method of writing rapidly with stenographic machine by substituting characters, abbreviations, or symbols for letters, words, or phrases.

(3) “Shorthand reporting” is the professional skill, the practice of which by official shorthand reporters and freelance shorthand reporters serves the judicial branch of state government in courts of record, references by such courts or the law, depositions taken by shorthand reporters, or proceedings of like character, with the end in view of ensuring the accuracy and integrity of the record upon which courts rely for evidence, trial, and appellate review.

[Court Order June 5, 2008, effective July 1, 2008; December 18, 2014; October 15, 2015; December 13, 2017, effective January 1, 2018]

Rule 46.3 Organization; meetings; information.

46.3(1) The officers of the Board of Examiners of Shorthand Reporters (board) are a chairperson selected by the supreme court of Iowa and a secretary elected at the September meeting, each to serve for a term of one year, or until a successor is elected. Each must perform the duties incumbent upon the office.

46.3(2) The board must hold regular meetings for examination of applicants and the transaction of other business at least twice per year. Special meetings may be held upon the call of any two members of the board. A majority of three or more members of the board constitutes a quorum. Business must not be conducted unless a quorum is present. All actions of the board require a simple majority vote of those present.

46.3(3) The board must at least 60 days prior to the start of each fiscal year or on a date otherwise requested by the supreme court submit to the court for consideration and approval a budget covering the board’s operations for the upcoming fiscal year. Approval of the budget by the court will authorize payment as provided in the budget. A separate bank account designated as the certified shorthand reporter operating account must be maintained for payment of authorized expenditures as provided in the approved budget. Fees or other funds received or collected as directed in this chapter or in accordance with an approved interagency agreement must be deposited in the certified reporter operating account for payment of the board’s authorized expenditures.

46.3(4) The executive director of the office of professional regulation will serve as the administrator for the board. Information may be obtained from the executive director at the Office

of Professional Regulation, Iowa Judicial Branch Building, 1111 East Court Avenue, Des Moines, Iowa 50319, by mail or in person during office hours.

[Court Order June 5, 2008, effective July 1, 2008; December 13, 2017, effective January 1, 2018; September 14, 2021, effective October 1, 2021]

Rule 46.4 Applications. Candidates for examination must make written application on the form approved by the board and provided by the board's office. An application must be on file with the administrator at the board's office at least 30 days before the date of the examination, unless the board for good cause shown grants an applicant additional time to file or otherwise waives the 30-day filing deadline. Good cause for this purpose may include illness, military service, unavoidable casualty or misfortune, or other grounds beyond the control of the applicant. A new application is required for each examination. An applicant to become a certified shorthand reporter must not be examined until the applicant has satisfied the board that the applicant's educational and special training includes at least one of the following:

46.4(1) The applicant has attained proficiency of 200 words per minute or more in a shorthand reporting course.

46.4(2) The applicant has had at least two years of experience as a shorthand reporter in making verbatim records of judicial or related proceedings.

46.4(3) The applicant has graduated from a shorthand reporting school approved by the National Court Reporters Association.

[Court Order June 5, 2008, effective July 1, 2008; December 13, 2017, effective January 1, 2018]

Rule 46.5 Examination.

46.5(1) Applicants are required to write shorthand from dictation of regular court proceedings, or such other matter as may be selected by the board of examiners, for such periods as required at varying speeds within the standard.

46.5(2) Applicants will be examined with respect to their knowledge of the statutory duties of a court reporter, general Iowa court procedure, and correct English usage at a 70 percent or better accuracy rate.

46.5(3) Applicants are required to transcribe such part of the dictation as the board of examiners may indicate.

46.5(4) Applicants are required to read aloud such part of the dictated matter as the board of examiners may indicate.

46.5(5) Applicants are required to furnish their own equipment and supplies for taking shorthand. Applicants must make their own transcript on a provided computer or typewriter unless the applicant is otherwise notified.

46.5(6) Upon completion of the examination, all shorthand notes, transcripts, and other papers used in connection with an examination must be returned to the board.

46.5(7) Testing rules and guidelines of the National Court Reporters Association and the Board of the Academy of Professional Reporters for Registered Professional Reporters must be used as a guide to procedure.

[Court Order June 5, 2008, effective July 1, 2008; December 18, 2014; October 15, 2015; December 13, 2017, effective January 1, 2018]

Rule 46.6 Certification. Each person who has achieved the designation of certified shorthand reporter will be issued a certificate by the board. The certificate may be signed by the chairperson and secretary or by all of the board members.

[Court Order June 5, 2008, effective July 1, 2008; December 13, 2017, effective January 1, 2018]

Rule 46.7 Fees.

46.7(1) The fee for each examination is \$200.

46.7(2) The fee for annual renewal is \$85.

46.7(3) The fee for late filing of an annual report is \$100.

46.7(4) The fee for reinstatement from a suspension is \$100.

46.7(5) The fee for reinstatement for one granted a certificate of exemption is \$50.

46.7(6) The fee for an extension for obtaining continuing education credit is \$50.

[Court Order June 5, 2008, effective July 1, 2008; July 17, 2013, effective September 1, 2013]

Rule 46.8 Continuing education requirement.

46.8(1) Units of continuing education credits as approved by the board must be completed by each reporter in active practice in Iowa. Failure to comply with the continuing education requirements will be grounds for disciplinary action under rule 46.11. In order to comply, a reporter must meet the requirements of rule 46.8(1)(a) or 46.8(1)(b):

a. Continuing education requirements.

(1) A reporter must obtain at least three continuing education units (CEUs) within a three-year period by attending or participating in seminars, workshops, or courses, integrally relating to the field of shorthand reporting, and which contribute directly to the professional competency of the shorthand reporter. One hour of continuing education credit equals .1 CEU.

(2) Continuing education activities must be conducted by individuals who have special education, training, and experience, and the individuals should be considered experts concerning the subject matter of the program. Attendance at any approved national, regional, or state seminar will be acceptable.

(3) CEUs earned in any one reporting period may be carried over for credit in one or more succeeding reporting periods, constituting the three-year period previously provided, but cannot be carried over to any successive three-year period.

(4) The annual reporting cycle will run from October 1 through September 30. Continuing education requirements and the three-year reporting cycle for newly certified shorthand reporters will commence October 1 of the year following the year of their certification.

b. Alternative requirements. In lieu of the requirements set forth in rule 46.8(1)(a), the board will accept satisfactory evidence of compliance with the current continuing education requirements of the National Court Reporters Association for retention on its Registry of Professional Reporters.

46.8(2) The board may, in individual cases involving disability, hardship, or extenuating circumstances, grant waivers of the minimum education requirements or extensions of time within which to fulfill the same or make the required reports. No waiver or extension of time will be granted unless written application is made and signed by the reporter. The board may, as a condition of any waiver granted, require the applicant to make up a certain portion or all of the minimum educational requirements waived by such methods as may be prescribed by the board.

46.8(3) Reporters who are not actively engaged in practice may obtain from the board a certificate of exemption from continuing education requirements. Application for such exemption must contain a statement that the applicant will not engage in the practice of shorthand reporting in Iowa without first complying with the regulations governing reinstatement after exemption.

46.8(4) Inactive practitioners who have been granted a certificate of exemption from these regulations or who have been suspended must, prior to engaging in the practice of shorthand reporting in Iowa, satisfy the following requirements for reinstatement:

a. Submit written application for reinstatement to the board upon forms prescribed by the board together with a reinstatement fee of \$50.

b. Furnish in the application evidence of one of the following:

(1) Active shorthand reporting in another state of the United States or the District of Columbia and completion of continuing education requirements that are the substantial equivalent to the requirements set forth in these rules for court reporters in Iowa as determined by the board.

(2) Completion of CEUs sufficient to satisfy education requirements for the period of inactivity if seeking reinstatement within three years of being granted a certificate of exemption.

c. Successfully passing the written knowledge test set forth in rule 46.5(2), if it was not passed within a three-year period immediately prior to submission of such application for reinstatement.

[Court Order June 5, 2008, effective July 1, 2008; December 13, 2017, effective January 1, 2018; September 19, 2022, effective October 1, 2022]

Rule 46.9 Approval of activity. A reporter seeking credit for attendance and participation in an educational activity other than those sponsored or approved by the National or Iowa Court Reporters Associations must submit to the board, within 30 days after completion of such activity, a request for credit, including a brief résumé of the activity, its dates, subjects, instructors and their qualifications, and the number of credit hours requested. Within 60 days after receipt of such application, the board must advise the reporter in writing by electronic mail whether the activity is approved and the number of hours are allowed. A reporter not complying with the requirements of this rule may be denied credit for such activity.

[Court Order June 5, 2008, effective July 1, 2008; December 13, 2017, effective January 1, 2018]

Rule 46.10 Continuing education reports.

46.10(1) On or before December 1 of each year, each reporter must file with the board, on forms provided by the board, a signed report concerning completion of continuing education for the prior reporting period. The report, along with the annual renewal fee, must be submitted and filed electronically using the reporter's account with the office of professional regulation.

46.10(2) All active reporters who fail to file the annual report on or before December 1 of each year must pay a penalty of \$100.

[Court Order June 5, 2008, effective July 1, 2008; December 13, 2017, effective January 1, 2018]

Rule 46.11 Penalty for failure to satisfy continuing education requirements. The board may revoke or suspend the license of any reporter who fails to comply with rule 46.10 or who files a report showing a failure to complete the required number of education credits, provided that at least 30 days prior to the suspension or revocation, notice of the delinquency has been served upon the reporter in the manner provided for the service of original notices in Iowa Rule of Civil Procedure 1.305 or has been forwarded to the reporter by restricted certified mail, return receipt requested, addressed to the reporter's last-known address. The reporter must be given the opportunity during the 30 days to file in the board's office an affidavit establishing that the noncompliance was not willful and tender the documents and sums and penalties which, if accepted, would cure the delinquency. Alternatively, the reporter may file in the board's office a request, in duplicate, for hearing to show cause why the reporter's certificate should not be suspended or revoked. The board must grant a hearing if requested. If the board orders a suspension or revocation it must notify the reporter by either of the methods provided above. The suspension or revocation must continue until the board has approved the reporter's written application for reinstatement.

[Court Order June 5, 2008, effective July 1, 2008; December 13, 2017, effective January 1, 2018]

Rule 46.12 Disciplinary action. The board may, upon its own initiative, at the request of the Iowa Supreme Court, or pursuant to complaint by a third party, begin disciplinary procedures against any reporter for violations of the board rules or the Code of Iowa.

46.12(1) Charges against a reporter brought by a third party must be in writing, signed by the complainant, filed with the board, and contain substantiating evidence to support the complainant's allegations. The complaint must include complainant's address and telephone number, be dated, identify the reporter, and give the address and any other information about the reporter that the complainant may have concerning the matter.

46.12(2) Such complaint, which will be held in confidence as required by law, must be reviewed by the board. If the board concurs in the seriousness of the allegations made by the complainant, the board must advise the reporter in writing of the charges involved. The reporter has 30 days from the receipt of the board's notice to answer the charges in writing. The reporter may request a personal appearance before the board. The board must then review again the charges made and determine whether the complaint can be disposed of informally or if contested case proceedings should be commenced.

[Court Order June 5, 2008, effective July 1, 2008; December 13, 2017, effective January 1, 2018]

Rule 46.13 Causes for disciplinary action. The board may revoke or suspend a certificate, or impose any of the disciplinary sanctions included in this chapter for any of the following reasons:

46.13(1) All grounds listed in Iowa Code section 602.3203.

46.13(2) Failure to file an annual report showing satisfaction of the current requirement of continuing education or submission of a false report of continuing education.

46.13(3) Conviction of a misdemeanor related to the profession or occupation of the reporter.

46.13(4) Unless otherwise required by law, a violation of Iowa Rule of Civil Procedure 1.713(1) or 1.713(2) in any state, federal, administrative, or other proceeding.

46.13(5) The board's receipt of a certificate of noncompliance from the Child Support Recovery Unit pursuant to the procedures set forth in Iowa Code chapter 252J.

46.13(6) The board's receipt of a certificate of noncompliance from the Iowa College Student Aid Commission pursuant to the procedures set forth in Iowa Code chapter 261.

46.13(7) The board's receipt of a certificate of noncompliance from the Central Collection Unit of the Iowa Department of Revenue pursuant to the procedures set forth in Iowa Code chapter 272D.

[Court Order June 5, 2008, effective July 1, 2008; December 12, 2011; December 13, 2017, effective January 1, 2018]

Rule 46.14 Contested case proceedings.

46.14(1) Contested case proceedings that involve possible disciplinary sanctions must be set for hearing on not less than 10 days' notice to all parties. Notice of hearing must be in writing and must be served either by personal service or certified mail, return receipt requested.

46.14(2) The notice must include all of the following information:

- a. A statement of the time, place, and nature of the hearing.
- b. A statement of the legal authority and jurisdiction under which the hearing is to be held.
- c. A reference to the particular sections of the statutes and rules involved.
- d. A concise statement of the matters asserted, or if the board is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved.

46.14(3) If a party fails to appear in a contested case proceeding after proper service of notice, the presiding officer may, if no adjustment is granted, proceed with the hearing and make a decision in the absence of the party.

46.14(4) Opportunity should be afforded all parties to respond and present evidence and argument on all issues involved and to be represented by counsel at their own expense.

46.14(5) Unless precluded by statute, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, default, or by another method agreed upon by the parties in writing.

46.14(6) After the conclusion of a hearing, the board must take any of the actions set forth in rule 46.15. The board's actions must be set forth in writing, and a copy of the conclusions and decisions must be served upon all parties and the Iowa Supreme Court. The board may permit a reasonable time for the parties to file posthearing briefs and arguments. The report of the board must be made within 60 days after the date set for the filing of the last responsive brief and argument. If the board cannot reasonably make its determination or file its report within such time limit, it must report that fact and the reasons therefor to the parties and to the clerk of the supreme court. Any determination or report of the board need only be concurred in by a majority of the board members sitting, and any member has the right to file a dissent from the majority determination or report.

46.14(7) Procedures for the handling of all contested case proceedings are governed, to the extent not specifically set forth in this chapter, by the Iowa Administrative Procedure Act.

[Court Order June 5, 2008, effective July 1, 2008; December 13, 2017, effective January 1, 2018]

Rule 46.15 Disciplinary sanctions. The board may, based upon the evidence presented, take one or more of the following actions:

46.15(1) Dismiss the charges.

46.15(2) Informally stipulate and settle any matter relating to the reporter's discipline.

46.15(3) Require additional professional education.

46.15(4) Issue a citation and warning regarding the reporter's behavior.

46.15(5) Reprimand.

46.15(6) Impose a period of probation.

46.15(7) Require retesting.

46.15(8) Suspend the certificate.

46.15(9) Revoke the certificate.

[Court Order June 5, 2008, effective July 1, 2008; September 19, 2022, effective October 1, 2022]

Rule 46.16 Military service and veteran reciprocity.

46.16(1) Definitions. In this rule:

a. "Military service" means honorably serving: in federal active duty, state active duty, or national guard duty, as defined in Iowa Code section 29A.1; in the military services of other states, as provided in 10 U.S.C. section 101(c); or in the organized reserves of the United States, as provided in 10 U.S.C. section 10101.

b. "Military service applicant" is an individual requesting credit toward certification for military education, training, or service obtained or completed in military service.

c. "Veteran" is an individual who meets the definition of "veteran" in Iowa Code section 35.1(2).

46.16(2) Military education, training, and service credit. A military service applicant may apply for credit for verified military education, training, or service toward any experience or educational requirement for certification by submitting a military service application to the board.

- a. The application may be submitted with an application for certification or examination or prior to an applicant's applying for certification or to take an examination. No fee is required for submission of an application for military service credit.
- b. The applicant must identify the experience or educational certification requirement to which the credit would be applied if granted. Credit may not be applied to an examination requirement.
- c. The applicant must provide documents, military transcripts, a certified affidavit, or forms that verify completion of the relevant military education, training, or service, which may include, when applicable, the applicant's Certificate of Release or Discharge from Active Duty (DD Form 214) or Verification of Military Experience and Training (DD Form 2586).
- d. Upon receipt of a completed military service application, the board will promptly determine whether the verified military education, training, or service satisfies all or any part of the identified experience or educational qualifications for certification.
- e. The board will grant the application in whole or in part if the board determines that the verified military education, training, or service satisfies all or part of the experience or educational qualifications for certification.
- f. The board will inform the military service applicant in writing of the credit, if any, given toward an experience or educational qualification for certification, or explain why no credit was granted. The applicant may request reconsideration upon submission of additional documentation or information.
- g. A military service applicant aggrieved by the board's decision may request a contested case (administrative hearing) and may participate in a contested case by telephone. A request for a contested case must be made within 30 days of issuance of the board's decision. No fees or costs may be assessed against the military service applicant in connection with a contested case conducted pursuant to this rule 46.16(2).
- h. The board will grant or deny the military service application prior to ruling on the application for certification. The applicant is not required to submit any fees in connection with the certification application unless the board grants the military service application. If the board does not grant the military service application, the applicant may withdraw the certification application or request that the application be placed in pending status for up to one year or as mutually agreed. Withdrawal of a certification application does not preclude subsequent applications supported by additional documentation or information.

46.16(3) *Veteran reciprocity.*

- a. A veteran with an unrestricted professional certificate as a shorthand reporter in another jurisdiction may apply for certification in Iowa through reciprocity. A veteran must pass any examinations required for certification to be eligible for certification through reciprocity and will be given credit for examinations previously passed when consistent with board rules on examination requirements. A veteran's fully completed application for certification submitted under rule 46.16(3) will be expedited and given priority.
- b. A veteran's application for certification must contain all of the information required of all applicants for certification who hold unrestricted certificates in other jurisdictions and who are applying for certification by reciprocity, including, but not limited to, completion of all required forms, payment of applicable fees, disclosure of criminal or disciplinary history, and, if applicable, a criminal history background check. The applicant must use the same forms as any other applicant for certification by reciprocity and must additionally provide such documentation as is reasonably needed to verify the applicant's status as a veteran under Iowa Code section 35.1(2).
- c. Upon receipt of a fully completed certification application, the board will promptly determine if the professional or occupational licensing requirements of the jurisdiction where the veteran is certified are substantially equivalent to the certification requirements in Iowa. The board will make this determination based on information the applicant supplies and such additional information as the board may acquire from the applicable jurisdiction. The board may consider the following factors in determining substantial equivalence: scope of practice, education and coursework, degree requirements, postgraduate experience, and examination required for certification.
- d. The board will promptly grant a certificate to the veteran if the applicant is certified in the same or similar profession in another jurisdiction whose certification requirements are substantially equivalent to those required in Iowa and the applicant has passed the written examination administered by the board pursuant to rule 46.5(2), unless the applicant is ineligible for certification based on other grounds, such as the applicant's disciplinary or criminal background.

e. If the board determines that the certification requirements in the jurisdiction in which the veteran is certified are not substantially equivalent to those required in Iowa, the board will promptly inform the veteran of the additional experience, education, or examinations required for certification in Iowa.

f. Unless the applicant is ineligible for certification based on other grounds, such as disciplinary or criminal background, the following apply:

(1) If a veteran has not passed the required examinations for certification, the applicant may not be issued a provisional certificate but may request that the certification application be placed in pending status for up to one year or as mutually agreed to provide the veteran with the opportunity to satisfy the examination requirements.

(2) If additional experience or education is required for the applicant's qualifications to be considered substantially equivalent, the applicant may request that the board issue a provisional certificate for a specified period of time during which the applicant will successfully complete the necessary experience or education. The board may issue a provisional certificate for a specified period of time upon such conditions as the board deems reasonably necessary to protect the health, welfare, or safety of the public, unless the board determines that the deficiency is of a character that the public health, welfare, or safety will be adversely affected if a provisional certificate is granted.

(3) If a request for a provisional certificate is denied, the board will issue an order fully explaining the decision and inform the applicant of the steps the applicant may take to receive a provisional certificate.

(4) If a provisional certificate is issued, the application for full certification will be placed in pending status until the applicant successfully completes the necessary experience or education or the provisional certificate expires, whichever occurs first. The board may extend a provisional certificate on a case-by-case basis for good cause.

g. A veteran who is aggrieved by the board's decision to deny an application for a reciprocal certificate or a provisional certificate, or who is aggrieved by the terms under which a provisional certificate will be granted, may request a contested case (administrative hearing) and may participate in a contested case by telephone. A request for a contested case must be made within 30 days of issuance of the board's decision. No fees or costs will be assessed against the veteran in connection with a contested case conducted pursuant to this rule 46.16(3).

46.16(4) *Substantially equivalent certification requirements.* The certification requirements of another jurisdiction are substantially equivalent to those of Iowa, if in that jurisdiction an individual must demonstrate, by examination administered by the licensing authority of the jurisdiction, proficiency in shorthand equivalent to the standard of the National Court Reporters Association for the earned designation of Registered Professional Reporter.

[Court Order December 18, 2014; October 15, 2015; December 13, 2017, effective January 1, 2018]

Rule 46.17 Certification by reciprocity.

46.17(1) An applicant with an unrestricted professional certificate as a stenographic shorthand reporter in another jurisdiction may apply for certification in Iowa through reciprocity. The applicant will be given credit for examinations previously passed when consistent with board rules on examination requirements.

46.17(2) An applicant's application for certification must contain completion of all required forms, payment of applicable fees, disclosure of criminal or disciplinary history, and, if applicable, a criminal history background check.

46.17(3) Upon receipt of a fully completed certification application, the board will promptly determine if the professional or occupational licensing requirements of the jurisdiction where the applicant is certified are substantially equivalent to the certification requirements in Iowa. The board will make this determination based on information the applicant supplies and such additional information as the board may acquire from the applicable jurisdiction. The board may consider the following factors in determining substantial equivalence: method of practice, scope of practice, education and coursework, degree requirements, postgraduate experience, and examination required for certification.

46.17(4) The board will promptly grant a certificate to the applicant if the applicant is certified in the same or similar profession in another jurisdiction whose certification requirements are substantially equivalent to those required in Iowa and the applicant has passed the written examination administered by the board pursuant to rule 46.5(2), unless the applicant is ineligible for certification based on other grounds, such as the applicant's disciplinary or criminal background.

46.17(5) If the board determines that the certification requirements in the jurisdiction in which the applicant is certified are not substantially equivalent to those required in Iowa, the board will promptly inform the applicant of the additional experience, education, or examinations required for certification in Iowa.

46.17(6) An applicant who is aggrieved by the board's decision to deny an application for a reciprocal certificate may request a contested case (administrative hearing) and may participate in a contested case by telephone. A request for a contested case must be made within 30 days of issuance of the board's decision.

46.17(7) The certification requirements of another jurisdiction are substantially equivalent to those of Iowa, if in that jurisdiction an individual must demonstrate by examination, administered by the licensing authority of the jurisdiction, proficiency in stenographic shorthand equivalent to the standard of the National Court Reporters Association for the earned designation of Registered Professional Reporter.

[Court Order October 15, 2015; December 13, 2017, effective January 1, 2018]